

11488) to give the crew of the U. S. S. *St. Louis* a pensionable status; to the Committee on Pensions.

5924. Also, petition of the Sweet-Orr & Co. (Inc.), New York City, favoring the passage of the Hawes-Cooper bill (S. 1940, H. R. 7729); to the Committee on Labor.

5925. Also, petition of the American Broom & Brush Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

5926. Also, petition of the Aviators' Post, American Legion, of New York, favoring the passage of the Tyson bill (S. 777) as it passed the Senate without amendments; to the Committee on World War Veterans' Legislation.

5927. Also, petition of William P. Kobbe, 12 East Forty-first Street, New York City, favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5928. Also, petition of Louis Schoenberg, 101 Arlington Avenue, Brooklyn, N. Y., favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5929. Also, petition of A. Hilderbrandt, adjutant, Woodhaven Post, American Legion, Woodhaven, Long Island, N. Y., favoring the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5930. Also, petition of James E. Pasta, county commander, Queens County, N. Y., American Legion, favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5931. Also, petition of the metal trades department of the American Federation of Labor, Washington, D. C., favoring an amendment to be offered to the naval appropriation bill by Congressman DOUGLASS of Massachusetts, for reconditioning of uncommissioned destroyers and make part of the appropriation available for immediate use; to the Committee on Appropriations.

5932. Also, petition of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

5933. By Mr. O'CONNOR of New York: Resolution of the Eastern Broker Division, Commercial Telegraphers Union of America, protesting against passage of the McNary-Haugen bill; to the Committee on Agriculture.

5934. By Mr. RAINEY: Petition of 57 citizens of Kilbourne, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5935. By Mr. STALKER: Petition of Fred Pinneer and sundry citizens of Waverly, N. Y., urging the enactment of legislation carrying the rates proposed by the National Tribune for veterans and their widows of Civil War; to the Committee on Invalid Pensions.

5936. Also, petition of Mrs. B. Knapp, of Elmira, N. Y., and sundry citizens of that vicinity, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5937. By Mr. SWICK: Petition of H. E. Drushel and 118 other residents of Butler County, Pa., urging the passage of a bill for the relief of Civil War veterans and their dependents, providing pensions of \$72 per month for every Civil War survivor, \$125 for every Civil War survivor requiring aid and attendance, and \$50 per month for every Civil War widow; to the Committee on Pensions.

5938. By Mr. THOMPSON: Petition of citizens of Columbus Grove, Ohio, in favor of more liberal pensions for Civil War veterans; to the Committee on Invalid Pensions.

5939. By Mr. WASON: Petition of S. M. Lambert and 10 other residents of Keene, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5940. By Mr. WILLIAMS of Missouri: Petition of George E. Conrad and others, urging the passage of the National Tribune's Civil War pension bill; to the Committee on Pensions.

5941. By Mr. WURZBACH: Petition of Jake Bellore, T. T. Dickson, and other citizens of San Antonio, Bexar County, Tex., protesting the passage of House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

5942. Also, petition of G. W. Shorter, Manley Mims, J. E. Click, George A. Towns, and other citizens of Nueces County, Tex., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5943. Also, petition of Fred G. Mulfinger, S. R. Forehand, J. H. Hasenbeck, A. Brauner, Dr. Frederick Terrell, Dr. George C. Wurzbach, and other citizens of San Antonio, Bexar County, Tex., favoring the immediate consideration of legislation providing for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

MONDAY, March 26, 1928

(Legislative day of Saturday, March 24, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the Governor of the Federal Reserve Board, transmitting the fourteenth annual report of that board covering operations for the year 1927, which was referred to the Committee on Banking and Currency.

STATISTICS RELATIVE TO UNEMPLOYMENT (S. DOC. NO. 77)

The VICE PRESIDENT laid before the Senate a report (with accompanying statements) from the Secretary of Labor in response to Senate Resolution 147, agreed to March 5, 1928, relative to the unemployment situation, which, with the accompanying papers, was referred to the Committee on Education and Labor and ordered to be printed.

Mr. SMOOT. Mr. President, I ask that the reply of the Secretary of Labor just laid before the Senate may be also printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The reply of the Secretary of Labor is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 24, 1928.

HON. CHARLES G. DAWES,
President of the Senate,
Washington, D. C.

SIR: On March 6, 1928, the United States Senate, first session of the Seventieth Congress, passed Senate Resolution 147, as follows:

"Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed and part-time employed in the United States, and permanent statistics thereon may hereafter be had and made available, and make report thereon to the Senate."

In compliance with these requirements, I immediately directed the United States Commissioner of Labor Statistics to make such report as was possible from available records upon the subject named in the resolution. I herewith transmit the report which the Commissioner of Labor Statistics has placed in my hands.

In reply to the clauses which introduce the resolution, I would call your attention first to the fact that the volume of employment, as shown by the reports of the Bureau of Labor Statistics, published monthly, has tended downward from April, 1927, up to and including January, 1928. The February report, just published, shows however, an upward trend in employment. This fact the Department of Labor has done its utmost to make widely public, and thus has already fulfilled, so far as it had power to do so, the requirement of the Senate's resolution, namely, to call attention "to the proper timing for the inauguration of public works by the Federal Government and the encouragement of similar undertakings by the States."

Bearing on this action by the Department of Labor, I would respectfully submit that having had personal experience of former periods of unemployment, I do not recall an instance where there was "proper timing for the inauguration of public works," or other governmental, State, municipal, or county effort to take up shrinkage of employment

until after it was too late. In the present instance the Department of Labor has sounded such warning in ample time.

In reply to another clause in the preamble to the Senate's resolution, "that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals," I would call your attention to the fact that the resolution carries no appropriation for this purpose. I am informed by the Commissioner of Labor Statistics that to obtain such information and keep it current would require a very large addition to the amount of money appropriated for the Department of Labor. A statement of employment and unemployment that would be "accurate and all inclusive" would involve an individual census of the United States, a work physically impossible of performance at frequent intervals and of heavy expense.

There is every reason to believe, however, that with a moderate increase in the annual appropriations for the Bureau of Labor Statistics, the bureau could materially extend its volume of employment and part-time employment information to include manufacturing establishments of smaller size, where its information now is obtained from the larger establishments alone. The bureau could also extend its work to include other industries than those now covered, and could tabulate its material not only, as now, by geographical divisions, but by States and principal cities instead. A very careful estimate submitted to me by Commissioner Stewart indicates that, for \$100,000 additional, the division of the bureau now handling this material could be increased to include a fair proportion of establishments employing as few as 50 persons, and that this material could be presented in detail by industries, States, and cities of 100,000 population.

In addition to this, \$20,000 should be added to the present appropriation for the employment service of the Department of Labor to enable it to extend its general nonstatistical reports of employment opportunities by cities, to cover States not now included in its reports, and to increase the facilities for placing jobless men, especially in its farm placement activities.

I herewith transmit the report on employment conditions which the Commissioner of Labor Statistics, with the facilities at hand, has submitted to me. It shows that the present slump in employment, while not so extensive or grave as the estimates which have been generally circulated, is nevertheless serious. The factors which have brought it about are many; among them the floods in the Mississippi Valley, in New England, the tornado which swept Florida and its attendant losses, the temporary closing of a part of certain major industrial plants, and a disturbance in the bituminous coal fields which has lasted for many months. All these have temporarily decreased the opportunities for employment and have adversely affected employment conditions in other lines of industry.

These, and the other influences which have operated in the same direction, I believe to be passing phases of our economic life. There are, nevertheless, certain features of the problem which must be considered if approach to constructive remedial measures is to be made with proper intelligence. For example, in 1927 the total net immigration, both inside and outside the quota countries, amounted to 252,023. A considerable percentage of these were prospective laborers. In addition to these immigrants, admitted during a year when our own people were losing employment, there was the annual average influx of 205,000 from the farms to the cities. We further have practically 2,000,000 boys and girls in our own population who reach the working age each year.

I desire to call your attention also to a distinction which Commissioner Stewart makes in his report, to the effect that "employment as it exists at present is composed of two entirely different elements, namely, those temporarily out of work at their regular occupations, and, second, those displaced by changes in industrial and commercial methods"; or, as one might put it, those who are merely suspended and those permanently released from their jobs.

Former labor depressions have been due almost wholly to the first group named, and if public work is not furnished quickly enough to relieve them, they have no recourse but to wait until their own jobs are again available.

Prompt relief for these is due from the Government's elaborate building program, from similar programs of States, municipalities, and counties, and from private building and construction.

For the second class of unemployed, of whom Commissioner Stewart says, "It is not unreasonable to believe that a considerable percentage of the employment shrinkage shown in this report is due to new machines and new mechanical devices," waiting for industrial developments is of no avail. Their jobs are gone. Inventive genius must devise new industries, commercial agencies must create new wants, in order to create new occupations for these people, in so far as age permits them to learn new occupations or adapt themselves to new industries. This need for new industries and new occupations daily becomes more pressing. The Department of Labor is in constant receipt of reports of acute situations resulting from the introduction of new machines. It is believed in many quarters, moreover, and with good reason, that this mechanical development will probably proceed as rapidly in the immediate future as it has in the immediate past.

With all these forces tending to cause unemployment, the number at present unemployed has been found to constitute a very small percentage of those at work. The census of 1920 showed that 42,000,000 of our people as wage earners or otherwise are gainfully employed. Of these, 23,348,692 have been found to be at present employed on either a wage or a salary basis. By the most careful computation methods available, Commissioner Stewart finds that the actual number now out of work is 1,874,050.

The attached report, compiled by Mr. Ethelbert Stewart, United States Commissioner of Labor Statistics, which contains these figures and the methods by which they are obtained, is the second such report which I have been called upon to submit to your body. Commissioner Stewart has been connected with the statistical work of the Bureau of Labor Statistics and of the Government for a period of 41 years, having been first appointed Commissioner of Labor Statistics by President Wilson and continued in office by Presidents Harding and Coolidge. Mr. Stewart's ability and conscientiousness in this work are thoroughly established and recognized, and his former report, which I submitted in August, 1921, showing 5,735,000 fewer persons on the pay rolls of the country, proved to be accurate. I therefore submit this, his second report, with absolute confidence in its essential accuracy.

You will find this report of the Commissioner of Labor Statistics on Senate Resolution 147 accompanied by an appendix which gives the report of Dr. J. Knox Insley, Commissioner of Labor and Statistics of Maryland, dealing with the same subject and giving the details of a house-to-house canvass in the city of Baltimore. The results of this independent investigation are included as further confirming the accuracy of Commissioner Stewart's report.

Respectfully,

JAMES J. DAVIS,
Secretary of Labor.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 24, 1928.

Hon. JAMES J. DAVIS,

Secretary of Labor, Washington, D. C.

SIR: In accordance with your instructions of March 6, 1928, I have completed and transmit herewith a report concerning the volume of unemployment in the United States at this time and the amount of part-time employment so far as can be determined from the records in the possession of the Bureau of Labor Statistics.

The definition of unemployment as here used is as follows: Persons usually employed but at present out of employment and hunting for work. In other words, the first section of this report refers to persons now totally idle but who have until a reasonably recent period been employed and who are now seeking employment. This section does not include those employed part time nor does it include those who are unemployable and are and have been for a long period of time subject to what might be considered outdoor relief.

The second part of the report deals with such information as we have on part-time employment.

To this I have appended the recent report of the commissioner of labor and statistics of the State of Maryland, which in addition to being a very able and interesting document contains the result of the only actual house-to-house canvass made for the purpose of determining the actual number of unemployed that has been made in any city so far as I know.

Respectfully,

ETHELBERT STEWART,
Commissioner of Labor Statistics.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 24, 1928.

REPORT ON UNEMPLOYMENT IN THE UNITED STATES

On March 6, 1928, the United States Senate passed Resolution 147, which contains the following language:

"Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed and part-time employed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate."

Responding to the requirements of the first part of the resolution quoted, the best estimate that can be made from all sources of information available at this time is that the shrinkage in the volume of wage earners, including manufacturing, transportation, mining, agriculture, trade, clerical, and domestic groups, figuring on a basis of those employed in 1925, is revealed to be 7.43 per cent. Applying this percentage to the total number of employees as of 1925 gives a shrinkage between the average of 1925 and January, 1928, of 1,874,050 persons.

The method of calculation employed in arriving at this figure is as follows: First, the census of 1925 is taken as a base, because the census of 1920 represents a boom year; and while there was a tremendous slump between that and the census of 1923, nevertheless between these periods there had been a recovery, and the year 1923 brought an upswing which, from the present point of view, may be considered by some, at least, an incipient boom. Employment dropped again in 1924, advanced slightly in 1925, a little more in 1926, and dropped again through 1927. The year 1925 may therefore be accepted as an average recent year from which to take measurement, and it is herein made the base from which employment shrinkage has been computed. In making 1925 the base, or 100, it is understood that whatever there may have been of unemployment in that year is ignored, and it is assumed that those who were let out of industry between 1923 and 1924 had by 1925 readjusted themselves. It may be said that 1925 was a year in which there was no noticeable unemployment question. It is also used as a base, because it was a year in which the census of manufactures was taken.

The foundation of the estimate here submitted is the known figures for 1925 for (1) manufacturing wage earners, and (2) railroad employees. These, with the estimates as of January, 1928, are as follows:

	Employed in 1925	Estimated employed January, 1928	Estimated shrinkage
Manufacturing.....	8,383,781	7,739,907	643,874
Railroads.....	1,752,589	1,643,356	109,233
Total.....	10,136,370	9,383,263	753,107

¹ December, 1927.

Decrease of 7.43 per cent.

No figures are available for the groups—agriculture, mining, clerical workers, domestic service, and trade—and it can only be assumed that they have been affected in like degree.

The change in manufacturing employment is determined from the change in the Bureau of Labor Statistics' index of employment in manufacturing industries. The railroad figures are exact for class 1 railroads, omitting general and division officials. The number of employees in 1925 is estimated from the population census taken as of January, 1920, as recast in the July, 1923, issue of the Monthly Labor Review, and from the percentage of change in employment as known for manufacturing and railroads.

The number of employees in 1925 used in this calculation—that is, persons working for wages or salaries for others—is estimated at 25,222,742. This figure does not include any persons operating their own business or professions. The calculated number of employees as of January, 1928, upon the same basis, was 23,348,692, leaving a shrinkage between the two periods as indicated above of 1,874,050.

The table shown below, which gives the changes in employment from month to month, has been recast upon a basis of the average of 1925, to conform to the method adopted in the general estimate. However, it is important to show that most of this shrinkage took place in 1927, beginning practically in April, and continuing through January, 1928. The index for February, just issued, shows an upward trend as against January or December.

Index of employment in manufacturing industries, by geographic divisions, 1925, 1926, 1927, and January and February, 1928
[Monthly average, 1925=100]

Year and month	New England	Middle Atlantic	East North Central	West North Central	South Atlantic	East South Central	West South Central	Mountain	Pacific	United States
1925										
January.....	101.9	99.4	94.6	98.8	97.7	99.6	101.0	94.0	94.8	98.7
February.....	102.9	101.2	96.1	100.1	100.2	100.9	102.5	94.3	96.3	100.4
March.....	103.2	101.7	98.4	99.6	101.5	100.7	101.2	95.5	95.1	101.2
April.....	102.0	100.8	99.8	98.4	101.6	100.7	101.1	98.7	97.8	101.0
May.....	100.5	99.6	100.6	97.6	98.7	98.3	96.9	101.7	101.0	99.7
June.....	98.0	98.8	98.7	99.5	97.7	98.1	97.4	103.9	103.4	98.8
July.....	95.6	97.6	98.2	100.0	96.0	95.7	98.1	104.8	101.8	97.9
August.....	96.9	97.0	99.8	101.2	97.7	98.9	98.9	102.9	101.5	98.6
September.....	96.7	99.2	101.4	101.3	99.5	100.2	100.2	101.1	104.4	99.7
October.....	100.5	100.6	104.4	101.9	101.6	101.7	100.3	100.5	103.9	101.2
November.....	101.2	101.1	104.4	100.8	103.0	102.8	100.6	99.0	101.8	101.4
December.....	100.5	102.4	103.0	100.4	104.6	102.4	101.6	103.0	98.5	101.5
Average, year.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1926										
January.....	101.2	102.0	103.0	98.9	103.8	100.9	99.8	98.6	96.5	101.2
February.....	102.6	102.5	104.6	99.1	104.7	101.5	100.5	96.0	96.6	102.3
March.....	103.2	102.3	105.4	98.4	106.0	100.9	100.1	94.4	97.8	102.7
April.....	101.0	101.1	103.9	98.3	104.3	100.7	100.7	94.9	101.7	101.8
May.....	99.0	100.0	101.9	98.2	102.4	98.2	100.3	98.1	105.0	100.5
June.....	97.3	99.4	101.7	99.5	101.9	96.8	101.9	101.8	103.9	100.5
July.....	92.6	97.6	100.2	99.0	100.7	97.0	102.0	99.3	103.3	98.1
August.....	94.3	97.8	102.1	100.6	101.4	97.9	103.3	98.5	103.6	99.5

Index of employment in manufacturing industries, by geographic divisions, 1925, 1926, 1927, and January and February, 1928—Continued

Year and month	New England	Middle Atlantic	East North Central	West North Central	South Atlantic	East South Central	West South Central	Mountain	Pacific	United States
1926										
September.....	97.9	99.9	102.7	101.3	104.5	96.9	102.6	102.1	103.2	101.1
October.....	99.5	100.7	101.9	101.8	105.4	95.7	102.3	101.5	103.4	101.4
November.....	99.4	99.9	98.0	99.8	105.4	95.4	101.5	101.0	102.0	100.2
December.....	98.3	99.1	95.8	97.6	105.3	95.4	101.1	99.2	99.2	99.7
Average, year.....	98.9	100.2	101.8	99.4	103.8	98.1	101.4	98.8	101.4	100.8
1927										
January.....	97.5	97.0	94.7	95.7	104.5	93.1	99.3	96.4	95.4	98.0
February.....	98.7	98.0	99.1	96.2	106.0	94.1	99.9	93.0	95.6	99.8
March.....	98.2	98.0	100.7	96.0	106.9	93.6	98.8	91.9	98.3	100.2
April.....	96.9	96.3	100.8	95.9	107.1	92.9	97.6	93.1	99.5	99.3
May.....	95.7	94.8	100.6	96.7	105.4	91.5	96.0	96.2	101.3	98.4
June.....	94.2	94.2	99.4	98.9	104.8	91.2	96.1	97.8	103.1	97.7
July.....	93.0	92.7	96.1	98.0	103.7	89.5	94.4	99.5	102.1	95.7
August.....	92.4	92.7	97.4	98.3	103.2	90.6	95.2	98.1	102.4	95.8
September.....	94.4	93.8	96.2	98.3	105.7	90.8	96.6	97.0	102.1	96.5
October.....	94.1	93.6	95.5	97.6	105.4	91.4	94.9	95.4	101.7	96.1
November.....	92.8	92.0	92.2	94.3	104.7	90.2	93.4	96.4	99.1	94.2
December.....	90.9	90.8	93.1	92.7	103.8	90.3	92.0	92.3	95.8	93.3
Average, year.....	94.9	94.5	97.2	96.6	105.1	91.6	96.2	95.6	99.7	97.1
1928										
January.....	90.4	88.9	94.9	92.0	102.0	89.2	90.4	87.5	91.7	92.3
February.....	91.0	89.4	99.5	94.9	102.3	90.3	90.6	88.1	92.3	93.7

It is also interesting to note that while the Bureau of Labor Statistics' figures are based upon 10,772 establishments employing in January, 1928, 2,907,700 employees, or an average of slightly over 271 employees each, the percentage of change from January, 1927, to January, 1928, corresponds exactly with the figures for the State of New York, which include a much larger proportion and take in very many smaller establishments.

The Bureau of Labor Statistics is working cooperatively with a number of States in this matter of employment record. In the beginning the bureau formed its own contacts with the original establishments and necessarily picked the older and larger establishments so as to get a more formidable number of employees for comparative purposes. Later on a number of States began this work, but secured information from a vastly larger number of establishments within each State, and the State bureaus furnish to the United States Bureau schedules from such establishments as are agreed upon.

The figures of percentage of change in employment show a great variation in geographical districts, which the Bureau of Labor Statistics interprets to mean that unemployment is not universal nor in all places or industries is it acute, but that it is spotted by geographical sections and by industries, and that in actual numbers it is not more than one-third of the magnitude of the labor depression of 1921, which caused a shrinkage in the number on the pay roll according to the estimates of this bureau of 5,735,000, from the peak of 1920 to July, 1921.

The spottedness of the unemployment situation is brought out by a list showing the percentage of change in employment between a given month in 1928 and the same month in 1927, except in the case of Wisconsin, where December is used. These ranges in percentage are shown in the following table:

Yearly changes in employment

State	Period	Per cent of change in employment
U. S. Bureau of Labor Statistics.....	January, 1927, to January, 1928.....	-5.8
Oklahoma.....	February, 1927, to February, 1928.....	-19.7
Wisconsin (factory workers).....	December, 1926, to December, 1927.....	-3.9
Illinois.....	February, 1927, to February, 1928.....	-6.5
California.....	January, 1927, to January, 1928.....	-7.8
New York.....	do.....	-5.8
Maryland.....	do.....	-7.8
Massachusetts.....	February, 1927, to February, 1928.....	-9.7

As further indication of such spottedness, the employment report from the State of California indicates that the average of employment in all industries carried was 7.8 per cent lower in January, 1928, than in January, 1927. The details show the same spotted conditions there that have been noted elsewhere. For instance, canning and packing of fish has dropped off 67.8 per cent, while other food products showed an increase of 19.3 per cent. Men's clothing dropped 11.3 per cent while millinery advanced 11.6 per cent. Iron foundries and machine shops fell off 16.6 per cent while glass advanced 18.7 per cent. Sugar fell off 21.6 per cent while agricultural implements advanced 30.1 per cent.

PART-TIME EMPLOYMENT

In the pamphlet on employment in selected manufacturing industries for January, 1928, percentage figures were given as to the number of establishments operating full time or part time and establishments idle. Such figures were based on the reports of establishments without taking into consideration the size of the several establishments.

These percentage figures have since been recomputed and weighted by the number of employees. In other words, due weight has been given to the size of the establishment in computing the average per cent.

Reports on percentage of full-time employment were received from but 9,095 of the 10,772 establishments reporting other facts to the bureau in the pay period ending nearest January 15, 1928. Of these 78.8 per cent were working full time, 20.2 per cent were working part time, and 1.1 per cent were working overtime.

Of the total number of employees reported, 1,876,367 employees (78.7 per cent) were working in establishments operating full time, 482,354 employees (20.2 per cent) were employed in establishments working part time, and 25,598 employees (1.1 per cent) were employed in establishments working above normal full time.

In the establishments reporting part-time operation, the weighted time worked by the 482,354 employees was 80.7 per cent of full time. The weighted average per cent of time worked by the 25,598 employees in those plants operating in excess of normal full time was 111.3 per cent of full time.

The following table shows a classification of the employees by groups, according to per cent of normal full time worked:

Number and per cent of employees in establishments working each specified per cent of regular full working time

Per cent of employment	Persons in group	
	Number	Per cent
Over 100 per cent (overtime).....	25,598	1.1
100 per cent (regular full time).....	1,876,367	78.7
99 to 93 per cent.....	56,291	2.4
92 per cent.....	88,956	3.7
91 per cent.....	31,697	1.3
90 to 84 per cent.....	31,742	1.3
83 per cent.....	47,509	2.0
82 per cent.....	54,833	2.3
81 to 74 per cent.....	46,724	2.0
73 per cent.....	33,554	1.4
72 to 61 per cent.....	37,102	1.5
60 per cent.....	23,371	1.0
59 to 51 per cent.....	10,692	.4
50 per cent.....	12,744	.5
49 to 25 per cent.....	6,731	.3
24 to 9 per cent.....	428	1.0
Total.....	2,384,319	100.0

¹ Less than one-tenth of 1 per cent.

This tabulation shows that 79.8 per cent of all employees were in establishments that worked full time or over and that 87.2 per cent of all employees were in establishments that worked more than 90 per cent of full time, while less than 1 per cent of the employees were in establishments working half time or less.

In the great majority of establishments six days constitute a full week. In some of the iron and steel establishments seven days constitute a full week. Five and one-half days make a full week in a few establishments and five days in some others.

Employees working less than their regular full time may be roughly grouped as follows:

Idle over one-half day and under one day, 1.3 per cent.

Idle one day, 5.3 per cent.

Idle over one day and including one and one-half days, 3.4 per cent.

Idle over one and one-half days and under three days, 2.9 per cent.

Idle three days or more, 0.8 per cent.

In addition to the 9,095 establishments in operation that reported their per cent of full-time employment, 108 establishments definitely reported that they had recently become temporarily idle. These establishments were smaller than the average and several of them were in their slack season. When last operating, they employed 14,126 persons. Thus, about 0.6 of 1 per cent of manufacturing industry employees became temporarily idle because of recent shut down of plants in which employed.

In this statement of part-time employment the bureau confines its report strictly to the data in hand and does not apply the percentage obtained therefrom to manufacturing industries as a whole, for the reason that there is no information at hand upon which to base an opinion as to whether the same percentage found to exist in the establishments reporting to this bureau, which are admittedly larger than the average establishment, could fairly be applied to manufacturing industries as a whole. There is no material available upon which to base an opinion as to whether averages from the selected industries now reporting to

the Bureau of Labor Statistics should be applied to clerical and domestic labor, or to any of those classes which are not covered in these reports.

It may not be out of place here to call attention to the fact that unemployment as it at present exists is composed of two entirely different elements, namely, those who are temporarily out of work at their regular occupation and in their regular industry, and, second, those who have been displaced by the changes in industrial and commercial methods, or, as one might say, the suspended and the displaced. What proportion of those at present entirely idle applies to each one of these classes it is impossible to tell. The man who has been entirely displaced by a new method of doing work or a new machine must seek new contacts, it may be, change his occupation and his industry entirely. In other words, in one class a man is waiting for his old job with reasonable assurance that the plant which is now idle will resume operation and he will be restored to his employment. In the other class the job is gone. The work formerly done by human energy is now performed by mechanical devices. The chances are that not only in the establishment from which he was dropped but in all other similar establishments he will face the same situation—that he must start anew. It is not unreasonable, as has been estimated by a writer in the *Annalist*, that one-half of the employment shrinkage shown in this report is due to new machines and new mechanical devices. All that is definitely known is that taking it for all in all the total displaced labor is largely of the unskilled type. The conveyor, the motor-hoist truck, changes in placement of machines so that the process is continuous and the material goes from machine to machine by the force of gravity are schemes that have displaced much labor, and this labor is mostly unskilled and common labor.

In conclusion I beg to submit as an appendix to this report a statement recently issued by the Maryland commissioner of labor and statistics, Dr. J. Knox Insley. This is interesting from several points of view. First, it is a striking comment on the value of estimates which are based upon nothing at all as to the number of unemployed. The Maryland State Federation of Labor made an estimate of 75,000 people out of work in Baltimore. The chamber of commerce of that city immediately replied with an estimate of 33,000. A house-to-house canvass made by the police department of Baltimore for the Maryland commissioner of labor and statistics developed that there were 15,473 such unemployed persons.

Another exceedingly interesting feature of this Maryland report is a classified statement as to the length of time which the unemployment had lasted. It is interesting to note that there was little or no pick-up work, and that in times of labor depression even, no more severe than the present one, the general opinion that a man can fill in with "odd jobs" is not found true in practice.

Respectfully submitted,

ETHELBERT STEWART,
Commissioner of Labor Statistics.

EXHIBIT

SURVEY OF UNEMPLOYMENT IN BALTIMORE FEBRUARY, 1928

A survey of the volume of unemployment in the city of Baltimore was made in February, 1928, by the commissioner of labor and statistics of Maryland. His report on the results of this study reads as follows:

A study and survey of the facts obtained show that in Baltimore city there are at the present time approximately 15,500 unemployed persons who usually are engaged in some gainful occupation. These figures are based on information secured by a house-to-house canvass conducted by the members of the city police force, through the courtesy of their commissioner, upon the request of the commissioner of labor and statistics.

While this total number is less than any of the various and scattered estimates of the amount of unemployment in Baltimore, several factors must be taken into consideration before arriving at a conclusion of its general effect. In making the canvass, consideration was given only to those who usually work for wages or on their own account in some business and who are now entirely without gainful employment of any kind. No effort was made to secure information for the apparently large number of persons who are employed for only part time. This is a separate and distinct study in itself and must be approached, we believe, from a different angle and by a different method. In addition, every precaution was made to eliminate those men and women who either could not or would not work if employment were available for them. To have included either or both of these groups would have clouded our problem, and would, perhaps, have greatly increased our figures.

Thus, then, if we may legitimately assume that the number of those usually engaged in gainful occupations in Baltimore City has increased at the same rate as the estimated population, we find approximately 4 per cent of these men and women, who can work and who want to work, unable to secure employment at the present time. Of the 15,473 persons found unemployed, by far the larger group, 13,468 in fact, is composed of men. Only 2,005 women, of whom 1,279 are white and

726 are colored, are included. More than 10,000 of these unemployed are white.

While more than 25 per cent of these men and women have worked in connection with the various manufacturing industries, the individual industry in which the survey shows unemployment to be the most severe is building. Here alone we find about one-sixth of the total number of persons. The textile industry, involving mostly clothing, is the most outstanding of the manufacturing industries, with food products and iron and steel competing for second place.

In considering the regular occupations of those unemployed, we find that the largest single group is composed of unskilled labor. The second largest number are found in the semiskilled operatives and factory workers, but, of the individual building and hand trades, carpenters lead in actual numbers.

The individual reports submitted by the police department indicate that, through the unemployment of these 15,473 men and women, almost 13,000 of an approximate number of 175,000 families are involved, and that at least 64,000 individuals are either directly or indirectly affected, a situation the seriousness of which is not to be minimized.

The existence of a group of almost 15,500 totally unemployed persons who are usually gainfully employed in a city of Baltimore's size is in itself a serious problem. The situation in this city, however, has become acute in that a large proportion of these individuals have been without employment for relatively long periods of time. Generally speaking, the findings show periods of unemployment, not in days or weeks as we might have reasonably expected, but rather in months. According to the results of the survey, less than 2,000 of the total number have been without employment of any kind for less than one month, and almost two-thirds have been unemployed for periods varying between one and five months.

Herein lies the worst danger; the exhaustion of savings and family resources and credit to the point of reduced buying and spending, and in a great many cases of the entire depletion of all family resources so that actual want and misery enter in. Professional and business men and women begin to feel the pinch of the lost spending power on the part of the public and in their turn pass on restricted buying power to the larger enterprises and thus the depression is spread so that all classes of our people feel its baneful effects. The facts revealed by the survey, then, and the further possibility of an appreciable amount of part-time employment are, we believe, the basis of the unrest in regard to unemployment in general and are responsible for the reported increased work done by the various social organizations of the city.

Furthermore, analysis of the material shows that only a negligible number of individuals reported even pick-up jobs secured since they found it necessary to leave their regular occupations, and we feel that we may conclude that employment has not been available for them.

The results of the survey would indicate that the three sections of the city in which unemployment is most severely felt are the central, southern, and eastern districts.

Unfortunately there is no accurate basis of comparison of the present amount of unemployment in Baltimore city with that existent in previous years. We can, with a fair degree of certainty, state, however, that it is more severe than it was one year ago. While a report of employment can not be used legitimately as an exact measure of unemployment, it may, however, be used to indicate the trend. In support, then, of our statement that unemployment is more severe in Baltimore this year than last, we quote the following from the annual report of the commissioner of labor statistics for 1927 (not yet ready for distribution):

"Combined employment in manufacturing industries in Maryland decreased 7.8 per cent during the 12-month period from January, 1927, to January, 1928, while weekly pay-roll totals for the same industries decreased 10.9 per cent for the same period. * * * While practically all of the industries involved are subject to seasonal fluctuations, the general tendency of employment and combined weekly pay rolls for manufacturing industries in Maryland, taken month by month during the year 1927, has been unquestionably downward. * * * The manufacturing industries reported increased employment in only four months, February, April, August, and September. It is interesting to note, however, that the pay-roll increases for these months are larger than the employment increases. December showed a slight decrease of nine-tenths of 1 per cent as compared with November, but for the same month the combined pay rolls increased eight-tenths of 1 per cent."

Maryland, it seems, is not at all unique in reporting decreased employment and pay rolls for a 12-month period covering the year 1927. According to an official report of the Bureau of Labor Statistics, United States Department of Labor, issued early in January, 1928, there was a decrease of 6.4 per cent in employment in manufacturing industries throughout the United States and a decrease of 6.6 per cent in the combined pay rolls in December, 1927, as compared with December, 1926.

"Each geographic division," according to this report, "shows a falling off in employment from December, 1926, to December, 1927, the greatest decreases being in the west, south Central, middle Atlantic, and New England divisions, and much the smallest decrease being in the south Atlantic States."

The following outline of the general facts revealed by the survey and the accompanying tables set forth in detail the distribution of the 15,473 unemployed persons in Baltimore, according to sex, color, regular industry, regular occupation, and number of months during which they have been without gainful employment of any kind.

The total number of families in which one or more cases of unemployment were found was 12,739; number of private families, 12,217; number of boarding houses, 289; number of lodging houses, 170; number unclassified families, 63. The total number of persons included in the 12,739 families was 64,306. The total number of persons who usually are engaged in gainful occupations is these 12,739 families was 29,099.

TABLE 1.—Number of regularly engaged persons in Baltimore wholly unemployed, classified by sex, color, and regular occupation

Regular occupation	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
Apprentices in building and hand trades.....	132	22	154	.....	.....	.....	154
Blacksmiths.....	39	1	40	.....	.....	.....	40
Boilermakers.....	56	.....	56	.....	.....	.....	56
Brick and stone masons.....	209	9	218	.....	.....	.....	218
Building industry.....	135	5	140	.....	.....	.....	140
Other industries.....	5	.....	5	.....	.....	.....	5
Contractors.....	69	4	73	.....	.....	.....	73
Carpenters.....	832	24	856	.....	.....	.....	856
Building industry.....	588	17	605	.....	.....	.....	605
Other industries.....	59	1	60	.....	.....	.....	60
Contractors.....	205	6	211	.....	.....	.....	211
Electricians.....	131	.....	131	.....	.....	.....	131
Building industry.....	25	.....	25	.....	.....	.....	25
Other industries.....	24	.....	24	.....	.....	.....	24
Contractors.....	82	.....	82	.....	.....	.....	82
Engineers (stationary) and cranimen.....	101	5	106	.....	.....	.....	106
Building industry.....	19	1	20	.....	.....	.....	20
Other industries.....	37	.....	37	.....	.....	.....	37
Contractors.....	45	4	49	.....	.....	.....	49
Factory workers (not otherwise classified).....	926	671	1,597	117	13	130	1,727
Food and kindred products.....	122	93	215	33	3	36	251
Textiles and their products.....	47	17	64	11	2	13	77
Iron and steel, not including machinery.....	165	87	252	22	1	23	275
Lumber and allied products.....	70	56	126	1	.....	1	127
Leather and its manufactures.....	11	7	18	3	.....	3	21
Rubber products.....	4	.....	4	.....	.....	.....	4
Paper and printing.....	12	7	19	1	.....	1	20
Chemicals and allied products.....	47	111	158	7	.....	7	165
Stone, clay, and glass products.....	37	81	118	1	.....	1	119
Metal and metal products, other than iron and steel.....	42	42	84	2	.....	2	86
Tobacco manufactures.....	4	2	6	3	.....	3	9
Machinery, not including transportation equipment.....	95	35	130	1	.....	1	131
Musical instruments.....	4	.....	4	.....	.....	.....	4
Transportation equipment.....	69	28	97	.....	.....	.....	97
Railroad repair shops.....	20	5	25	.....	.....	.....	25
Other industries.....	177	100	277	33	6	39	316
Firemen (not locomotive or fire department).....	67	22	89	.....	.....	.....	89
Laborers (not otherwise classified).....	1,501	2,594	4,095	.....	.....	.....	4,095
Building industry.....	204	882	1,086	.....	.....	.....	1,086
Other laborers.....	1,297	1,712	3,009	.....	.....	.....	3,009
Machinists.....	237	3	240	.....	.....	.....	240
Mechanics (not otherwise classified).....	89	9	98	.....	.....	.....	98
Painters.....	451	33	484	.....	.....	.....	484
Building industry.....	229	7	236	.....	.....	.....	236
Other industries.....	22	12	34	.....	.....	.....	34
Contractors.....	200	14	214	.....	.....	.....	214
Paper hangers.....	78	8	86	.....	.....	.....	86
Building industry.....	16	2	18	.....	.....	.....	18
Contractors.....	62	6	68	.....	.....	.....	68
Plasterers and cement finishers.....	145	16	161	.....	.....	.....	161
Building industry.....	84	9	93	.....	.....	.....	93
Contractors.....	61	7	68	.....	.....	.....	68
Plumbers, gas fitters, and steam fitters.....	305	7	312	.....	.....	.....	312
Building industry.....	71	.....	71	.....	.....	.....	71
Other industries.....	48	.....	48	.....	.....	.....	48
Contractors.....	186	7	193	.....	.....	.....	193

TABLE 1.—Number of regularly engaged persons in Baltimore wholly unemployed, classified by sex, color, and regular occupation—Contd.

Regular occupation	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
Semiskilled operatives (not otherwise classified)	934	68	1,002	341	36	377	1,379
Food and kindred products	135	16	151	36	2	38	189
Textiles and their products	222	22	244	186	22	208	452
Iron and steel and their products (not including machinery)	135	8	143	23	—	23	166
Lumber and allied products	76	1	77	10	—	10	87
Lumber and its manufactures	27	3	30	4	—	4	34
Rubber products	4	—	4	1	—	1	5
Paper and printing	118	1	119	18	—	18	137
Chemicals and allied products	9	2	11	1	—	1	12
Stone, clay, and glass products	33	5	38	2	2	4	42
Metal and metal industries, other than iron and steel	32	1	33	1	—	1	34
Tobacco manufactures	19	—	19	37	6	43	62
Machinery, not including transportation equipment	13	—	13	—	—	—	13
Musical instruments	6	—	6	—	—	—	6
Transportation equipment	33	2	35	—	—	—	35
Railroad repair shops	6	—	6	—	—	—	6
Other industries	66	7	73	22	4	26	99
Other manufacturing and mechanical occupations	618	29	647	61	15	76	723
Total, manufacturing and mechanical	6,871	3,521	10,392	519	64	583	10,975
Water transportation ¹	136	173	209	—	—	—	209
Sailors and deck hands	111	14	125	—	—	—	125
Stewards	7	59	66	—	—	—	66
Others	18	—	18	—	—	—	18
Road and street transportation	506	289	795	1	—	1	796
Chauffeurs	426	239	665	1	—	1	666
Draymen, teamsters	73	47	120	—	—	—	120
Others	7	3	10	—	—	—	10
Railroad transportation	82	4	86	—	—	—	86
Brakemen	35	—	35	—	—	—	35
Others	47	4	51	—	—	—	51
Express, post, telegraph, and telephone	15	1	16	36	—	36	52
Telephone operators	4	1	5	36	—	36	41
Others	11	1	12	—	—	—	12
Total, public utilities	739	367	1,106	37	—	37	1,143
Retail dealers	44	6	50	—	—	—	50
Salesmen	484	13	497	229	4	233	730
Others	81	4	85	30	2	32	117
Total, trade	609	23	632	259	6	265	897
Public service (police-men and firemen)	9	—	9	—	—	—	9
Professional service	59	5	64	23	1	24	88
Servants	25	112	137	50	578	628	765
Other domestic and personal service	150	247	397	69	71	140	537
Total, domestic and personal service	175	359	534	119	649	768	1,302
Bookkeepers, cashiers, accountants	51	1	52	37	1	38	90
Clerks (office)	240	3	243	110	1	111	354
Stenographers and typists	11	1	12	112	2	114	126
Other clerical occupations	157	16	173	27	—	27	200
Total, clerical occupations	459	21	480	286	4	290	770
Clerks, unclassified ²	66	—	66	14	—	14	80
Other occupations	165	20	185	22	2	24	209
Total, other occupations	231	20	251	36	2	38	289
All occupations	9,152	4,316	13,468	1,279	726	2,005	15,473

¹ Including 89 occupants of 2 seamen's lodging houses who may or may not be usual residents of Baltimore.² Unclassified as to whether sales or office clerks.

TABLE 3.—Distribution of totally unemployed in Baltimore, by sex, color, and regular industry

Regular industry	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
MANUFACTURING							
Food and kindred products.....	375	128	503	82	5	87	590
Beverages.....	19	6	25	5	-----	5	30
Bakery products.....	104	21	125	11	-----	11	136
Canning and preserving fruits and vegetables.....	23	7	30	5	3	8	38
Canning and preserving (oysters and crabs).....	6	9	15	3	-----	3	18
Confectionery.....	50	7	57	39	-----	39	96
Ice cream.....	8	2	10	2	-----	2	12
Ice (manufactured).....	43	17	60	-----	-----	-----	60
Slaughtering and meat packing.....	64	17	81	6	1	7	88
Other food products.....	58	42	100	11	1	12	112
Textiles and their products.....	400	56	456	244	26	270	726
Clothing.....	324	47	371	195	23	218	589
Cotton goods.....	50	1	51	38	-----	38	89
Other textiles.....	26	8	34	11	3	14	48
Iron and steel and their products, not including machinery.....	405	107	512	49	-----	49	561
Iron foundries.....	100	39	139	-----	-----	-----	139
Plumbers' supplies.....	31	-----	31	2	-----	2	33
Steel works and rolling mills.....	75	44	119	1	-----	1	120
Tinware.....	169	14	183	45	-----	45	228
Other iron and steel products.....	30	10	40	1	-----	1	41
Lumber and allied products.....	216	66	282	14	-----	14	296
Boxes ¹	48	13	61	8	-----	8	69
Furniture.....	71	10	81	6	-----	6	87
Lumber, planing-mill products.....	52	38	90	-----	-----	-----	90
Other lumber products.....	45	5	50	-----	-----	-----	50
Leather and its manufacture.....	49	12	61	8	-----	8	69
Boots and shoes.....	38	10	48	5	-----	5	53
Other leather products.....	11	2	13	3	-----	3	16
Rubber products.....	7	8	15	1	-----	1	16
Paper and printing.....	159	13	172	28	-----	28	200
Boxes, paper ¹	9	2	11	9	-----	9	20
Printing and publishing, job.....	99	4	103	10	-----	10	113
Printing and publishing, newspaper.....	17	1	18	-----	-----	-----	18
Other paper products, and printing.....	34	6	40	9	-----	9	49
Chemicals and allied products.....	111	123	234	17	1	18	252
Fertilizers.....	8	66	74	1	-----	1	75
Oils.....	54	19	73	1	-----	1	74
Other chemicals.....	49	38	87	15	1	16	103
Stone, clay, and glass products.....	93	93	186	3	4	7	193
Bricks.....	8	36	44	-----	-----	-----	44
Glass products.....	59	24	83	2	4	6	89
Marble, slate, stone.....	14	25	39	-----	-----	-----	39
Other products.....	12	8	20	1	-----	1	21
Metal and metal products, other than iron and steel.....	108	46	154	3	-----	3	157
Brass, bronze, and copper.....	48	40	88	-----	-----	-----	88
Stamped and enameled ware.....	29	3	32	2	-----	2	34
Other metal products.....	31	3	34	1	-----	1	35
Tobacco manufactures.....	27	3	30	45	6	51	81
Cigars and cigarettes.....	23	1	24	40	2	42	66
Other tobacco manufactures.....	4	2	6	5	4	9	15
Machinery, not including transportation equipment.....	153	7	160	1	-----	1	161
Musical instruments.....	25	-----	25	-----	-----	-----	25
Transportation equipment.....	305	44	349	-----	-----	-----	349
Motor vehicles (including repairs).....	134	15	149	-----	-----	-----	149
Shipbuilding.....	160	27	187	-----	-----	-----	187
Other transportation equipment.....	11	2	13	-----	-----	-----	13
Railroad repair shops (steam).....	57	4	61	-----	-----	-----	61
Other manufacturing industries.....	257	107	364	58	6	64	428
Brooms and brushes.....	32	2	34	1	-----	1	35
Umbrellas.....	11	-----	11	12	-----	12	23
Other manufacturing industries.....	214	105	319	45	6	51	370
Total, manufacturing industries.....	2,747	817	3,564	553	48	601	4,165

¹ May include some paper boxes.² Some of these may be included under wooden boxes.

TABLE 3.—Distribution of totally unemployed in Baltimore, by sex, color, and regular industry—Continued

Regular industry	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
MECHANICAL							
Building.....	1,520	937	2,457	4	4	8	2,465
Laundries.....	14	14	28	9	19	28	56
Total, mechanical industries.....	1,534	951	2,485	13	23	36	2,521
MERCANTILE							
Wholesale establishments.....	75	19	94	8	1	9	103
Retail establishments.....	551	184	735	285	24	309	1,044
Department stores.....	169	28	197	199	3	202	399
Other retail stores.....	382	156	538	86	21	107	645
Other mercantile establishments.....	84	5	89	23		23	112
Total, mercantile industries.....	710	208	918	316	25	341	1,259
PUBLIC UTILITIES							
Buses and taxicabs.....	27	2	29				29
Gas and electric supply.....	50	45	95				95
Railroads, electric.....	37	20	57				57
Railroads, steam.....	265	139	404	2		2	406
Telephone.....	9		9	1		1	10
Water transportation.....	8	3	11	37		37	48
Total, public utilities.....	204	98	302		2	2	304
Total, public utilities.....	600	307	907	40	2	42	949
Unclassified by industry.....	3,561	2,033	5,594	357	628	985	6,579
Total, all industries.....	9,152	4,316	13,468	1,279	726	2,005	15,473

¹ Probably includes some who might be classified under "railroad repair shops."

² Includes 89 occupants of 2 seamen's lodging houses, who may or may not be usual residents of Baltimore.

³ Includes laborers, contractors, professional, domestic and personal service, etc., not classified according to industry.

The statement below classifies the unemployed according to the length of time during which they have been entirely without employment of any kind:

Less than 1 month.....	1,981
1 month and under 2 months.....	2,373
2 and under 3 months.....	3,041
3 and under 4 months.....	2,643
4 and under 5 months.....	1,657
5 and under 6 months.....	901
6 and under 7 months.....	1,229
7 and under 8 months.....	275
8 and under 9 months.....	320
9 and under 10 months.....	122
10 and under 11 months.....	46
11 and under 12 months.....	26
12 months and over.....	778
Time not reported.....	81
Total.....	15,473

Mr. WAGNER. Mr. President, may I inquire whether the report referred to by the Senator from Utah is made by the Department of Labor in answer to the resolution introduced by me?

The VICE PRESIDENT. It is the report made by the Department of Labor in response to Senate Resolution 147, submitted by the junior Senator from New York [Mr. WAGNER]. It was ordered to be printed and also ordered to be printed in the CONGRESSIONAL RECORD.

Mr. WAGNER. I have not yet had an opportunity to read it. I shall undoubtedly want to discuss it after an opportunity has been given me to read it.

The VICE PRESIDENT. The Senator from Utah asked that it be printed in the RECORD, and it has been so ordered.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Gerry	Hawes
Barkley	Curtis	Gillett	Hayden
Blaine	Cutting	Glass	Hellin
Blease	Dale	Gooding	Johnson
Borah	Dill	Gould	Jones
Broussard	Edwards	Greene	Kendrick
Bruce	Fess	Hale	Keyes
Capper	Fletcher	Harris	King
Caraway	Frazier	Harrison	McKellar

McLean
McMaster
McNary
Mayfield
Moses
Neely
Norbeck
Norris
Nye

Oddie
Overman
Phipps
Pine
Pittman
Robinson, Ark.
Robinson, Ind.
Sackett
Sheppard

Shipstead
Shortridge
Smith
Smoot
Steck
Stelwer
Stephens
Swanson
Thomas

Tydings
Tyson
Wagner
Walsh, Mass.
Warren
Waterman
Watson
Wheeler
Willis

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily detained, attending the funeral of the late Senator FERRIS.

The VICE PRESIDENT. Seventy-two Senators having answered their names, a quorum is present. The Senator from West Virginia [Mr. NEELY] is entitled to the floor.

DISTRICT POLICE FORCE

Mr. CARAWAY. Mr. President, will the Senator from West Virginia yield to me for a moment?

Mr. NEELY. I am glad to yield to the Senator from Arkansas.

Mr. CARAWAY. I desire to submit a resolution making inquiry of the District of Columbia Commissioners for certain information. It will take but a moment to consider it. I would like to have unanimous consent to have it read and acted upon. If any discussion arises, I shall be glad to withdraw it.

Mr. NEELY. I yield for that purpose.

The VICE PRESIDENT. The clerk will read the resolution. The resolution (S. Res. 182) was read, considered by unanimous consent, and agreed to, as follows:

Whereas there is apparently friction in the police force; and
Whereas a number of the members of the force have been charged with offenses; and

Whereas trials have been had before the police board: Now, therefore, be it

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, requested to furnish to the Senate, (a) the name of each member of the force who has been charged with any offense within the last three years; (b) together with the nature of the offense; (c) what action was had by the trial board with reference to these cases; (d) in how many cases the District Commissioners have reviewed the action of the trial board; (e) what has been the final result of these cases; (f) how many; (g) and which police officers are now on the force that have been charged with the offenses; (h) the nature of their offenses; (i) what, if any, punishment has been inflicted upon them.

The preamble and resolution were agreed to.

SECRETARY HOOVER'S REPLY TO SENATOR BORAH'S QUESTIONNAIRE

Mr. NEELY. Mr. President, on the 9th day of February the able Senator from Idaho [Mr. BORAH] in a most patriotic and praiseworthy effort to serve his party and his country wrote Mr. Herbert Hoover the following courteous, cordial, and important letter:

FEBRUARY 9, 1928.

Hon. HERBERT HOOVER,

Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Your friends have placed you in line for the nomination for the Presidency. I venture in view of that fact to ask your views upon a matter in which there is a wide and deep interest throughout the country. I am sure you will be free to express yourself upon this important issue:

First. Do you favor incorporating in the next national Republican platform a plank specifically referring to the eighteenth amendment to the Constitution and pledging the candidates and the party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry into effect the constitutional amendment?

Second. What is your attitude and what would be your attitude toward the amendment and its enforcement in case you are nominated and elected?

Third. Do you favor the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States? In other words, do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?

Fourth. Do you favor the repeal of the eighteenth amendment or the repeal of the Volstead Act?

Very respectfully,

WM. E. BORAH.

Mr. Hoover, after two weeks of fishing, campaigning, and reflecting, sent Mr. BORAH the following curt, curious, and confusing retort:

The Hon. WILLIAM E. BORAH,

United States Senate.

MY DEAR SENATOR: Upon my return to Washington I have taken up your letter.

I feel that the discussion of public questions by reply to questionnaires is likely to be unsatisfactory and oftentimes leads to confusion rather than clarity. Replies to the scores of such inquiries on many questions are impossible.

Out of regard for your known sincerity and your interest in the essential question I will, however, say again that I do not favor the repeal of the eighteenth amendment. I stand, of course, for the efficient, vigorous, and sincere enforcement of the laws enacted thereunder. Whoever is chosen President has under his oath the solemn duty to pursue this course.

Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.

Yours faithfully,

HERBERT HOOVER.

Mr. President, Mr. Hoover in this letter reaches the sublimest height of epistolary humbuggery ever attained by man. [Laughter.] There is not a rum runner, a home brewer, or a bootlegger in all the land who can write a less responsive or a more unsatisfactory reply than that which Mr. Hoover has written to Senator BORAH's questionnaire.

When Mr. Hoover dictated this meaningless epistle he was evidently as irritable and belligerent as Thrasymachus was when, because of his inability to answer questions propounded by Socrates, he ill-naturedly accused the great philosopher of having "a stuffed nose" and of not having used his handkerchief as frequently as decency demanded. [Laughter.]

Mr. Hoover's letter to Senator BORAH is quite as puerile, petulant, and pitiable as the response that Thrasymachus made to Socrates.

Until Mr. Hoover acknowledged the receipt of Senator BORAH's questionnaire the drys believed him to be dry, and the wets believed him to be wet. But as a result of Mr. Hoover's exceedingly evasive letter the wets now believe him to be dry and the drys fear that he is wet. In brief, before Mr. Hoover replied to Mr. BORAH everybody presumably knew where he stood on the liquor question. Now nobody knows where he stands on this important issue.

Mr. Hoover's letter conclusively proves the truth of Talleyrand's assertion that "language was invented to conceal thought." It also proves that Mr. Hoover can be evasive in all languages, including the Scandinavian, and that he can categorically answer questions in none.

Mr. BORAH asked Mr. Hoover, "If he favors incorporating into the next national Republican platform a plank specifically applying to the eighteenth amendment to the Constitution."

Mr. Hoover has not even attempted to answer this question. He has simply ignored it.

Mr. BORAH asked Mr. Hoover, "If he favors pledging the Republican candidates and the Republican Party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry it into effect."

Mr. Hoover has with sphinxlike indifference entirely ignored this question.

Mr. BORAH asked Mr. Hoover, "If he favors the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment."

Mr. Hoover has completely ignored this question.

Mr. BORAH asked Mr. Hoover, "If he favors a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country."

To this question Mr. Hoover has been as unresponsive as Baal was to his 450 prophets who vainly supplicated him to send fire from heaven to burn a sacrificial bullock on Mount Carmel.

Mr. BORAH asked Mr. Hoover, "If he favors the repeal of the Volstead Act."

This important question which is notoriously uppermost in the minds of millions of American voters, and which should have been answered "yes" or "no," Mr. Hoover has ignored as contemptuously as a saturated sot refuses near-beer.

To all of the important inquiries contained in Mr. BORAH's questionnaire Mr. Hoover has been provokingly unresponsive. He is more exasperatingly evasive than the wicked wag whose sobbing young wife, when asked the cause of her grief, replied:

Every time I ask my husband if he likes my biscuits he tells me that I have beautiful eyes.

[Laughter.]

Regardless of politicians' wishes, campaigners' agonies, and candidates' tears, the question of temperance is beyond the shadow of a doubt in this campaign to stay to the bitter end. It is as ubiquitous as humanity, as deep as the fountains of hope, and as everlasting as the hills. Yet upon questions that are vitally related to temperance Mr. Hoover is as silent as the Sphinx, as voiceless as the tomb, and as unresponsive as the unreplying dead.

If Mr. BORAH has maturely considered Mr. Hoover's monumental masterpiece of transcendent evasion he must appreciate the anguish with which Josh Billings said:

I would rather lead a blind mule on the towpath for a living, or retail soft klams from a rickety wagon, than tew be an Interviewer and worry people with questions they wuz afrade tew answer and too vain tew refuse.

[Laughter.]

But despite all difficulties, all discouragements, and all disappointments, let us urge Senator BORAH, the preeminent apostle of political courage and candor, to be as persistent in his undertaking to ascertain Mr. Hoover's attitude toward the liquor question as Delilah was in importuning Samson (another strong man like Mr. Hoover) to reveal the secret of his great strength.

Let Senator BORAH emulate a shining example set on a memorable occasion, and say to Mr. Hoover:

Herbert, "gird up now thy loins like a man; for I will demand of thee, and answer thou me."

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor incorporating into the next national Republican platform a plank specifically applying to the eighteenth amendment to the Constitution?" And let him add: "Herbert, answer this question 'yes' or 'no,' so that the wayfaring man may know where you stand."

Let Mr. BORAH again say to Mr. Hoover:

"Are you in favor of pledging the Republican candidates and the Republican Party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry it into effect?" And let Mr. BORAH add: "Herbert, please do not evade this question, but answer it 'yes' or 'no.'"

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor the enactment into law of the principle that Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture and sale of beverages which are not intoxicating, as determined in accordance with the laws of the respective States?" And let Mr. BORAH add: "Herbert, do not humiliate your friends and encourage your foes by dodging this question. In the name of millions of dry Republicans, I urge you to answer this inquiry 'yes' or 'no.'"

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?" And let Mr. BORAH add: "Herbert, so far you have ignored this question. If you do not immediately answer it 'yes' or 'no,' the righteous wrath of vast multitudes of voters will wax hot against you and, like a great conflagration, consume you and your vaulting ambition on the floor of the Kansas City convention." [Laughter.]

Let Mr. BORAH again say to Mr. Hoover:

"Do you favor the repeal of the Volstead Act?" And let Mr. BORAH add: "Herbert, if you do not courageously answer this question 'yes' or 'no,' the countless hosts of temperance and prohibition will, with unrestrained haste and unrelenting fury, do to you what Apollo did to the vanquished Marsyas, namely, flay you alive and hang your 'political' skin in a crab-apple tree by a fountain."

It should be borne in mind that Mr. Hoover's acknowledgment of Senator BORAH's questionnaire is not only exceedingly unresponsive and scandalously evasive but also positively wicked. It clearly violates the implied injunction of the following Scripture:

For if the trumpet shall give an uncertain sound who shall prepare himself to the battle? * * * except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Mr. Hoover has spoken, or, rather, written "into the air." His trumpet has given an uncertain sound, a mere ambiguous squeak. [Laughter.] Therefore, who of the wets shall prepare himself to Mr. Hoover's battle; who of the drys shall prepare

himself to Mr. Hoover's battle? Who or how shall anyone prepare himself to Mr. Hoover's battle?

Mr. President, a candidate who is afraid to state his position on any question of great national concern is not worthy to hold the high office that has been hallowed by Washington, Jefferson, Jackson, Lincoln, Roosevelt, and Wilson. A candidate who refuses to take the people into his confidence is not entitled to the people's votes. A candidate who evades a material issue should not be permitted to invade a public office. No political dodger deserves to be elected President of the Republic.

If anyone inquires why a member of the party of Jefferson desires to know Mr. Hoover's attitude toward the liquor question, we shall answer that Democracy also intends to nominate a Democratic candidate for President. And in the event of Mr. Hoover's nomination by the Republicans, Democrats will desire and deserve to know whether they ought to vote for the Democrat whom the Democrats have nominated or the Democrat whom the Republicans have nominated.

The fact that Mr. Hoover was a candidate for the presidential nomination on both the Republican and Democratic tickets in the 1920 Michigan primary election creates doubt in some Democratic minds as to Mr. Hoover's Democratic deserts.

What a calamity that this great statesman was not born twins, so that he could habitually be the presidential candidate of both the great political parties and invariably be on both sides of every important question!

Early in the campaign the newspapers indicated that Mr. Hoover would not enter the primary against a "favorite son" except in the State of Ohio. But more recently the ambitious Mr. Hoover has, like Lord Ronald in Gertrude the Governess, flung himself upon his political war horse and "ridden madly off in all directions." [Laughter.] He has now carried his conquest far beyond the State of Ohio. In this fact the incomparably good people of West Virginia, who very graciously permit me to share the high honor of representing them in the Senate, find much comfort, because West Virginia owns the Ohio River from bank to bank, and West Virginians do not want Senator WILLIS to wash all of Mr. Hoover's political linen in their river. [Laughter.] They do not want the "laughing water" of their western border polluted with the germs of innumerable political diseases.

Dame Rumor is now whispering about the corridors of the Capitol that Mr. Hoover desires to enter the primary election in Illinois, although the time for filing in accordance with the Illinois statute has long since passed. When Mayor Bill Thompson, who has so successfully banished King George from this hemisphere, learns of Mr. Hoover's coming to the western metropolis, he will undoubtedly repeat with cannibalistic glee those noteworthy words of the famous giant so dear to the heart of every child:

Fe, fi, fo, fum,
I smell the blood of an Englishman;
Be he alive or be he dead,
I'll grind his bones to make my bread.

[Laughter.]

We may safely assume that when our great British candidate for President reaches Chicago Mayor Thompson will tender him a reception of such magnificence and fervor as no American official has ever given a British subject since Gen. Andrew Jackson received Sir Edward Pakenham at New Orleans in 1815. Pakenham is reported to have written General Jackson a note in which he said:

If you do not surrender I will destroy your breastworks and eat breakfast in New Orleans Sunday morning.

General Jackson replied:

If you do you will eat supper in hell Sunday night.

[Laughter.]

All of those who are not particularly enthusiastic about the candidacy of the late resident of the Red House in Hornton Street, London, may view with entire equanimity Mr. Hoover's desire or attempt to enter the Illinois primary. Illinois is the Vice President's State. To Mr. Hoover's effort to obtain a political delegation from the Vice President's Blue Heaven let us be as indifferent as the backwoodsman who, when urged to run to his cabin where a panther was fighting his mother-in-law, retorted, "Why should I care what happens to a panther?" [Laughter.]

If Mr. Hoover participates in the primary in the Vice President's State his fate can be appropriately indicated by the following news item which once appeared in a metropolitan paper:

Yesterday on Fifth Avenue a colored man named William Washington attempted to drive his two-horse dray through a monster parade of the

Ancient Order of Hibernians. If he had lived until next Saturday he would have been 36 years old.

[Laughter.]

Let me propose to the various Republican presidential candidates who are Members of the Senate an adaptation of the following as an appropriate epitaph for Mr. Hoover at the conclusion of his race in the State of Illinois:

Here lies the body of Mary Ann Proctor,
Who caught a cold and refused to doctor;
She could not stay, she had to go—
Praise God from whom all blessings flow.

[Laughter.]

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Star Valley Commercial Club, of Afton, Wyo., favoring the making of increased appropriations for the construction of designated highways in Federal reservations, which was referred to the Committee on Appropriations.

Mr. SHEPPARD presented a petition of sundry citizens of Borger, Tex., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. ASHURST presented a petition of sundry citizens of Mesa, Maricopa County, Ariz., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution indorsed and approved by sundry veteran organizations in the State of Arizona, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Circuit Court of Appeals of the Ninth Circuit on March 5, 1928, handed down a decision wherein it was held that the four-year statute of limitations of the State of Arizona applied to all insurance suits against the Government brought by ex-service men residing in the State; and

Whereas there are several hundred ex-service men residing in Arizona who were totally and permanently disabled at the time of their discharge and who will be unable to collect upon their insurance, which was in force at the time they became totally and permanently disabled, unless Congress shall pass a law extending the time within which suit may be brought against the Government; and

Whereas in a great many cases it was impossible to determine that the disability of the ex-service man was total and permanent until after the expiration of the time within which suit could be brought under the Arizona statute; and

Whereas a great many of the disabled ex-service men in Arizona are patients in Government hospitals and were sent here on account of their health and are thus deprived of the benefits of the statutes of limitations of their home State; and

Whereas we believe that the application of the law should be made uniform, irrespective of the State within which the ex-service man resides; and

Whereas a bill has been introduced in Congress by Congressman ROYAL C. JOHNSON, of South Dakota (H. R. 11350), granting the right to ex-service men to sue upon their insurance policies at any time within 20 years from the accrual of the cause of action; and

Whereas it is imperative that such bill should immediately be passed in order to protect the rights of those ex-service men not having cases pending before the courts: Now, therefore, be it

Resolved, That we heartily indorse said bill and that we respectfully request the Arizona delegation in Congress to support the same, and that a copy of this resolution be mailed to Congressman ROYAL C. JOHNSON and Senators HENRY F. ASHURST, CARL HAYDEN, and Congressman LEWIS DOUGLAS, and that copies be furnished to such other individuals and organizations as from time to time it may be deemed advisable.

The foregoing resolution was duly authorized and approved by the Ernest A. Love Post of the American Legion, the Bucky O'Neil Post, No. 541, of Veterans of Foreign Wars of the United States, and the Fort Whipple Chapter, No. 3, Disabled American Veterans of the World War, all of Prescott and Fort Whipple, Ariz.

ERNEST A. LOVE POST OF THE AMERICAN LEGION,

By F. E. FLYNN.

BUCKY O'NEIL POST, No. 541, OF VETERANS OF FOREIGN WARS,

By WESLEY BAILEY.

FORT WHIPPLE CHAPTER, No. 3, DISABLED AMERICAN VETERANS,

By W. J. FAHSHOLTZ.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 471. An act for the relief of Agnes McManus and George J. McManus (Rept. No. 621);

S. 1448. An act for the relief of Omer D. Lewis (Rept. No. 622); and

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon (Rept. No. 623).

Mr. McNARY, from the Committee on Appropriations, to which was referred the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 624) thereon.

Mr. BLAINE, from the Committee on Military Affairs, to which was referred the bill (S. 2673) for the relief of James E. Trussell, reported it without amendment and submitted a report (No. 625) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3773) granting an increase of pension to Malinda S. Dunbar (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3774) to provide a temporary location for a farmers' market in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NYE (by request):

A bill (S. 3775) to repeal the desert land laws;

A bill (S. 3776) to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

A bill (S. 3777) to repeal an act entitled "An act to provide for stock-raising homesteads, and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. ASHURST:

A bill (S. 3778) authorizing improvements at the Fort Mohave Indian School, Arizona;

A bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. MOSES:

A bill (S. 3780) granting an increase of pension to Martinia L. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3781) granting a pension to Emma S. Caskey (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3782) granting an increase of pension to Mary Gault (with accompanying papers); and

A bill (S. 3783) granting an increase of pension to Rose K. Cartmill (with accompanying papers); to the Committee on Pensions.

A bill (S. 3784) to amend section 1, rule 2, rule 3, subdivision (e) and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, (ch. 64, 28 Stat. L. sec. 645); to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 3785) granting compensation to Joseph C. Eastland; to the Committee on Claims.

By Mr. SHIPSTEAD:

A joint resolution (S. J. Res. 119) granting an easement to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO MIGRATORY BIRD BILL

Mr. NORBECK submitted three amendments intended to be proposed by him to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. KEYES submitted an amendment proposing to appropriate \$2,654,000 and \$653,300 for relief for the States of Vermont and New Hampshire, respectively, in the matter of roads and bridges damaged or destroyed by the flood of 1927, etc., intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

Mr. SMOOT. I ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 3356) to provide for the coordination of the public-health activities of the Government, and for other purposes, and that it be referred to the Committee on Finance. The Public Health Service is under the Treasury Department. All nominations and promotions in the Public Health Service go to the Finance Committee for consideration. Previous legislation that we have passed has been sent to that committee for consideration.

Mr. JONES. With that statement by the chairman of the Finance Committee, I have no objection to the change of reference.

The PRESIDING OFFICER (Mr. Fess in the chair). Without objection, the change of reference will be made.

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

Mr. HALE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine S-4, and upon methods and appliances for the protection of submarines, having met, after full and free conference report back to their respective Houses that they are unable to agree to the same.

FREDERICK HALE,
TASKER L. ODDIE,
CLAUDE A. SWANSON,

Managers on the part of the Senate.

BERTRAND H. SNELL,
THEODORE E. BURTON,
EDWARD W. FOU.

Managers on the part of the House.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business, Senate bill 1271, be temporarily laid aside and that the Senate proceed to the consideration of the conference report on House Resolution 131, relating to the investigation of the sinking of the submarine S-4.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Mr. President, I will say that the conferees have had repeated meetings on this matter and have sought to come to an agreement, but they have been unable to do so. For the benefit of the Senate I will briefly refresh the minds of Senators about the resolution.

Mr. President, immediately after the Christmas holidays and the reconvening of the Senate a joint resolution was introduced in the House, and a similar joint resolution in the Senate, at the request of the President of the United States, calling for the appointment of a commission of experts to investigate and report upon the question of safety appliances and salvage apparatus for submarines, and also calling for an investigation and a report upon the facts connected with the sinking of the submarine S-4.

The House unanimously enacted the joint resolution. When the matter came over to the Senate it was considered by the Senate Committee on Naval Affairs, and a divided report was made. The majority of the committee reported favorably on the House joint resolution with some minor amendments. The minority did not approve of the report of the majority. The question came up in the Senate, and by a vote of 51 to 32, I think, the majority report was defeated and an amendment was attached to the House joint resolution.

Section 2 of the House joint resolution provided for the appointment of a commission of experts to report upon the question of safety appliances and salvage apparatus. This section was adopted in the Senate.

Section 3 of the House joint resolution provided that the same expert commission should investigate and report upon the facts connected with the sinking of the S-4.

The Senate amended section 3 by striking out the section and providing in its place the following:

A joint committee composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, is hereby authorized and directed to investigate the full facts of the sinking of the submarine S-4 in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto, to supplement the investigation now being made by a naval court of inquiry. And said joint committee

shall submit a full report to each branch of the Congress, giving the result of this investigation and of such recommendations as it may seem proper to make.

A committee of conference was appointed, of which the senior Senator from Virginia [Mr. SWANSON], the junior Senator from Nevada [Mr. ODDIE], and myself were members. The conferees have met, as I have said, and have not been able to reach an agreement.

As a matter of compromise, the conferees on the part of the Senate offered to strike out section 3 altogether, thus leaving a provision for the appointment of an expert commission to act simply upon the question of safety appliances and salvage apparatus. The House conferees were not willing to accept the Senate offer. The House conferees offered to amend the joint resolution by adding to the expert commission two or more Members of the Senate and two or more Members of the House. The Senate conferees did not accept the offer made by the House conferees.

I will say now that both the Senator from Nevada [Mr. ODDIE] and I, who were among the majority to sign the report made by the Committee on Naval Affairs, were and are in full sympathy with the House joint resolution, and were and are entirely ready to accept the compromise offered by the managers on the part of the House. We felt, however, in view of the vote that was taken in the Senate, that we could not conscientiously approve of the offer made by the managers on the part of the House. We felt that our position was that we should represent the indicated views of the Senate on this matter, and therefore we did not agree to the compromise.

Within a short time the President of the United States has sent to the Congress a supplemental estimate calling for an appropriation of \$200,000 for experimentation in safety devices and appliances for submarines. The House Subcommittee on Appropriations has included this item in the naval appropriation bill now being acted on by the House, and without any doubt it will be adopted by the House, and, I presume, later on by the Senate. It is of vital importance that before this money is expended the commission of experts recommended by the President shall be appointed, so that this appropriation may be intelligently used.

I have a suggestion to make in regard to this matter. I shall place before the Senate a resolution which will enable conferees to determine just what the present sense of the Senate is in regard to this matter. I do not believe that the Senate wants to see this whole joint resolution defeated. The House has gone as far as it will go in the matter, as indicated by the remarks of the senior conferee on the part of the House, Mr. SNELL. I do not believe that the Senate or the country wants to see this joint resolution defeated.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. Will the Senator allow me to finish my statement? Then I shall be glad to answer any questions.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HALE. I am suggesting to the Senate the following resolution:

Resolved, That it is the sense of the Senate that the compromise proposed by the House conferees on House Joint Resolution 131, providing for the addition of two Senators and two Representatives to the commission provided for in said resolution, should be accepted by the Senate conferees in the event that a further conference be ordered.

Mr. President, if that resolution is adopted by the Senate I shall then move that the Senate insist on its amendment and that a further conference committee be appointed. If that resolution is defeated by the Senate I shall know that the Senate still has the feeling that it had when the matter came before it in January and that there is no possibility of reaching a compromise; and I shall then, in that event, move that the Senate adhere to its former action. That will mean that the House will have to take the Senate amendment or the joint resolution will fail.

Mr. SMOOT. Mr. President, I understand from the Senator, then, that the House conferees desire an expression of the Senate upon this particular item?

Mr. HALE. No, Mr. President; the House conferees did not ask that at all. I told them, in talking to them, that I should propose such a resolution. It is not done at their request.

If this resolution is adopted it will be possible then to make the compromise suggested by the House conferees; the expert commission will be appointed, with two Members of the Senate and two Members of the House on the commission; an investigation will be made, as requested by the President, the Com-

mander in Chief of the Army and the Navy, of safety appliances and salvage apparatus in connection with submarines; and an investigation will be made of the full facts connected with the sinking of the submarine S-4.

I hope very much that the resolution will be adopted by the Senate. It is not in the nature of an instruction. It is simply a resolution giving the sense of the Senate.

The PRESIDING OFFICER. From a parliamentary standpoint the present occupant of the chair believes that the first vote will come on the question of agreeing to the conference report, rather than upon the proposal offered by the Senator from Maine.

Mr. HALE. Mr. President, as I have stated, if this resolution is adopted I propose to make a motion asking that the Senate insist upon its amendment and that conferees be appointed. If it is defeated I shall make another request, and that is that the Senate adhere to its amendments; and that, of course, means the end of the joint resolution.

Mr. SWANSON obtained the floor.

The PRESIDING OFFICER. The question, however, in the opinion of the present occupant of the chair, recurs on agreeing to the conference report.

Mr. SWANSON. Will the Chair inform me what will happen if the conference report is agreed to?

The PRESIDING OFFICER. Then the Senator's proposal would be in order. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SWANSON. Mr. President, I want to state to the Senate what occurred in the conference. I am more insistent now than I ever have been on the necessity for a congressional investigation, or a senatorial investigation, of the occurrences in connection with the sinking of the S-4. It is utterly impossible for me to understand why the conferees of the House would rather see the measure fail than to have the Senate and the House poke their noses into the derelictions in connection with that unfortunate incident.

Mr. HALE. Does not the Senator consider that if there were two Members of the House—

Mr. SWANSON. I will reach that question in time. I will show the cunning of this resolution. I will discuss that.

What occurred? We have been six weeks in conference. I told the conferees at the beginning that the Senate wanted either a joint committee of the House and Senate, or a senatorial committee, as was indicated by the vote in the Senate, to ascertain the facts in connection with the sinking of the S-4, one of the most distressful catastrophes that ever occurred in the history of the Navy.

I told them that there were two propositions, first, to accept the Senate's proposal, which meant that three Members should be appointed by the President of the Senate and three by the Speaker of the House, to investigate the facts in connection with the sinking of the S-4, and the causes of that accident. If they did not want that joint investigation, then to omit section 3, that provided for investigation of S-4, and let the measure pass providing for a commission to ascertain all the facts in connection with the needs of the Navy.

They refuse to agree to that. I wanted them to report a disagreement, but for weeks they would not do that.

Mr. HALE. The Senator does not mean to say that we have not tried in every way—

Mr. SWANSON. I will say that the Senator from Maine adhered to the instructions of the Senate absolutely, and tried to get the conferees to agree.

Mr. HALE. There was no attempt by the conferees to delay the report.

Mr. SWANSON. It was hard to get conferences. They were delayed. At the second meeting I told the conferees they could report on either one of those two propositions, as far as I was concerned.

Mr. NORRIS. I did not understand the second proposition.

Mr. SWANSON. The second was to let the investigation confined to the sinking of the S-4 be eliminated. Then, if that went out, the measures could pass. These conferees had objection to that. The Senate showed by its vote that it wanted either a senatorial investigation, or an investigation by a joint committee of the House and Senate.

Mr. NORRIS. Then the theory was that if it took that form the Senate could afterwards appoint its own committee?

Mr. SWANSON. Yes. But the idea of the joint resolution was to have a committee named by the Secretary of the Navy, or by the President through him take charge of the investigation. It was understood the Secretary of the Navy was going to name them; everybody knows that. Then, having appointed the committee to make that investigation, the Senate would be

precluded from appointing its own committee to investigate the matter. That is the gravamen of the fight here to-day.

This proposition was then offered, to let the committee be appointed and to put on it, first, one Senator, or two Senators, and two Members of the House. I am unwilling for the Senate and the House to be parties to an investigating commission on which they will not have the power to control and direct.

My position is this: If the House does not want to investigate this matter, let the Senate do it. Why should they preclude the Senate from exercising its function and having a senatorial committee investigate the matter? We fought that out here for three days. The Senate reached the conclusion that it thought this accident ought to be investigated by a disinterested body, by people who are not under the influence of the Navy or anyone else. If the House did not want to investigate, they had a right to say so, and then the Senate would not be precluded from appointing its own committee to investigate.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maine?

Mr. SWANSON. I yield.

Mr. HALE. Would the Senator feel better about the matter if three Senators and three Representatives were on the commission?

Mr. SWANSON. I am not in favor of the Senate starting a joint investigation with people on the outside. The Senate should either discharge its obligations or not. That would still give the outsiders a majority. Are Senators to be summoned by those people to come when and where they please?

Mr. HALE. That would not make a majority.

Mr. SWANSON. I am against the policy; I am against the principle. The Senate should either investigate it, by itself, or with a committee of the House, or let it alone. That is the position I have taken.

Let us go further in this matter. They have practically refused to let a vote come in the House. They said the House was unanimous. This matter did not go to the Committee on Naval Affairs of the House. The resolution was introduced and referred to the Committee on Rules to take charge of the matter, to conduct it, to let it go through that way. The day it came up, it was reported promptly from the Committee on Rules. Everybody who has served in the House knows the aims and the purposes and the accomplishments of the Committee on Rules. I can not understand why the Committee on Naval Affairs was brushed aside and had nothing to do with this matter.

What I insist on is a vote in the House. It was reported that we could not get a vote. I want to know whether the House wants to join in a joint committee to investigate the sinking of the *S-4*. If they do not, let them beat my amendment. The appropriation is being made for the rest of it. The President has the power to do this without any authority from Congress. He has done it repeatedly. The recommendations for an appropriation have been made and can be passed. The President can appoint his commission to satisfy his own mind, to his own heart's content. But I am not willing to have the sinking of the *S-4* passed over without a congressional investigation.

If there ever was a necessity for such an investigation, there is more now than there ever was. The court of inquiry made its report on this incident, but it pleased nobody. The Secretary of the Navy would not approve it, and reconvened the court to make another examination and report. The Secretary of the Treasury is not pleased with it. He says the report of the court of inquiry reflects on the officer of the *Paulling*; that the *Paulling* was not at fault at all; that it was entirely the fault of the *S-4*. He is not satisfied with the report of the court of inquiry.

Those whose husbands and whose sons were sunk and killed in the *S-4* are not satisfied with the report. They want a fair, just investigation by Congress. They have been here to see me, and I suppose they have seen the Senator from Maine, have they not?

Mr. HALE. Does the Senator think we could reach any conclusion that would be satisfactory to everybody?

Mr. SWANSON. We ought to let those people know the investigation is by an impartial court. The Senator has an idea of letting the department appoint seven men to investigate the department itself, to determine who was at fault. I say it ought to be a joint committee of the House and Senate, and if the House does not want it, let them defeat the measure. The money can be appropriated for the scientific investigation about which the Senator talks so much. When it came to conference nothing was heard about the scientific object to be accomplished, but it was urged that the best way to investigate the sinking of the *S-4* was through this commission

named by the President, really on the recommendation of the Secretary of the Navy.

I say that the Senate ought to have an investigation itself, or there ought to be a joint investigation by the House and Senate, of all the distressing incidents that occurred in connection with the sinking of the *S-4*.

I am unable to understand why there should be such a bitter, persistent, and continuous fight against an investigation by a committee of the Senate, or a joint committee of the House and Senate, to determine who was responsible for that unfortunate accident. The more they fight it, the more insistent they are that it shall not be done, the more I think there is a reason why it should be done. I can not understand the persistent fight here for two or three months to prevent an investigation by a joint committee, three on the part of the Senate, named by the Vice President, and three named by the Speaker from the House, or by a committee formed of five Senators named by the Vice President. I think it is just, I think it is reasonable, I think it is fair, and I think the country wants this done, to satisfy themselves as to where the responsibility lies in connection with that unfortunate incident.

I am unwilling to surrender to the House, as we would surrender if we should adopt the resolution offered by the Senator from Maine. There has never been a vote in the House. It seems to be the opinion in the House that legislation is the result of the concurrence of the minds of conferees. Legislation means the concurrence of the minds of the House and Senate. As long as I am on a conference, when an important matter like this comes in I will never put up the white flag, as the Senator does, and agree to a resolution that would prevent a vote in the House which would show whether Members of the House wanted a joint committee or not.

I insist that we shall have an adherence, and then the House can determine whether they want a joint committee or not, as to whether they want to wash their hands of it, as to whether they have any interest in the misfortune in connection with the sinking of the *S-4*. If we have any interest in it, if we want to discharge the duties and obligations that we owe the country to see to the proper administration of the laws and the spending of the money appropriated, let us do it fully and completely or not at all.

I shall insist that this resolution be defeated and that we then adhere to the Senate amendment and afford an opportunity for a vote in the House.

Mr. HALE rose.

Mr. SWANSON. I yield to the Senator.

Mr. HALE. I thought the Senator was through.

Mr. SWANSON. I am tired of going to conferences with the House and have the conferees of the House refuse by delay, refuse by all kinds of legerdemain, to permit the House to vote on propositions. If this matter had gone back to the House, they could have had a vote on it.

Mr. HALE. The Senator does not think that the House conferees were trying to delay this matter, does he?

Mr. SWANSON. The Senator has just stated that there was an appropriation contemplated to handle the matter. The President appointed a commission to investigate the aircraft industry without any law, and there is no necessity for any law here. The whole gist of this thing is an attempt to prevent the House of Representatives or the Senate from poking their noses, in a controlling way, into an investigation of the sinking of the *S-4*.

Mr. HALE. I ask the Senator if he intimates that there has been any disposition on the part of the House conferees to delay this report? There has not been.

Mr. SWANSON. I do not know what they have done.

Mr. HALE. Both the Senate conferees and the House conferees tried in good faith to reach some agreement.

Mr. SWANSON. I stated my proposition to them.

Mr. HALE. No one man determines what shall be done.

Mr. SWANSON. Why was not a disagreement reported a long time ago?

Mr. HALE. Because we hoped we could reach some compromise.

Mr. SWANSON. I knew they would never compromise.

Mr. HALE. I hoped we could reach some compromise. The House has made a very liberal offer.

Mr. SWANSON. From the Senator's standpoint. The Senator is not the judge of my liberality. The Senator is not the judge of it, and he fought here to have no Senator on the commission, to have no Representative on it, nobody except the seven men named by the President, on the recommendation of the Secretary of the Navy.

Mr. HALE. Five men, not seven.

Mr. SWANSON. Five. There has never been an effort to have a commission appointed that would not have had on it

a majority of outsiders. As a Senator I am not willing to serve upon a commission on which people from the outside control.

Mr. HALE. Mr. President, if the amendment that was offered in the Senate were on the measure, would the outsiders have a majority on the committee?

Mr. SWANSON. Six.

Mr. HALE. Three from the House and three from the Senate.

Mr. SWANSON. That would be six. Why does the Senator object—

Mr. HALE. Wait a minute.

Mr. SWANSON. Why does the Senator object to the Senate appointing a committee subject to its own control? Why has the Senator always fought that?

Mr. HALE. The Senator talks about a majority. I have already told him I would be glad to make it three on the part of the Senate and three on the part of the House.

Mr. SWANSON. I think the Senator would agree to anything in the world rather than have a complete, thorough congressional investigation of the sinking of the *S-4*.

Mr. HALE. The Senator can say what he wants to, but it does not seem to me that he is stating the facts. The Senator knows that if there are two or three Members of the Senate and two or three Members of the House, three scientific men, and two retired naval officers on the commission the commission will develop something that will be of some value; he knows that they will develop more of value than would a mere senatorial or a congressional committee.

Mr. SWANSON. All the great value you want to develop disappears when I ask you to limit it—

Mr. HALE. The Senator insists that his stand be approved by the Senate. I do not believe that the Senate wants to defeat the measure, as they will do unless they adopt this resolution.

Mr. SWANSON. In other words, the House will not consider the Senate amendment, but will defeat the joint resolution.

Mr. HALE. The House has gone a great deal further than the Senate has in offering to compromise. In the bill as originally prepared there was no congressional representation on the commission of any kind whatever. They very liberally offered to put on two or three Members from the House. All the Senate conferees offered to do was to drop out section 3 altogether.

Mr. SWANSON. And to let the Senate be precluded from making an investigation of any kind.

Mr. WALSH of Massachusetts. Mr. President, this question involves something more and deeper, in my opinion, than a mere investigation into the unfortunate *S-4* submarine disaster. It involves a question of whether or not the Senate of the United States is going to surrender to the wholesale criticism and denunciation of itself because of the fact that it has been indulging in important investigations of governmental activities. It is very apparent—and one does not need to be many years in this body to know—that the House of Representatives has no sympathy with investigations—that we can not get any joint investigation committee appointed by the House and Senate. A few years ago, after the allegations of scandalous neglect and maladministration in the Veterans' Bureau, the Senate passed a joint resolution providing for an investigation by a committee of the House and the Senate into the looting of money appropriated from the Public Treasury to take care of disabled soldiers; the House refused to join with the Senate in the investigation, and the Senate itself had to undertake it. The Senate alone has been left to do the business of investigating the excesses and abuses, the omissions and commissions of bureaus. If we are going to abandon inquiry by Congress into bureaucratic government, we might just as well abandon the principal functions of Congress and accept the theory of government now so popular here in Washington—bureaucracy.

I conceive of nothing more important for the Congress, in the absence of cooperation by the House, than for the Senate to insist upon a thorough and complete investigation and inquiry into all the alleged abuses which from time to time are inevitably going to creep into a large and much involved departmental Government such as ours, where tremendous expenditures of money are involved and inefficiency, negligence, and sometimes dishonest officials are found.

Only this morning I was discussing another subject, the investigation of which might some time have to be seriously considered, and that is the policy of one of our bureaus here in joining with real-estate promoters, financiers, and builders to construct buildings for the Government with the understanding that they will be leased by the Government as soon as they are constructed and thus do away with the necessity of the Government itself constructing its own buildings.

There are 150 such buildings which have been privately constructed and leased by the Government before they were built in the last few years under the present administration. Can we not conceive the possibility of abuses, of evils, of even graft in prearranging with certain speculators to buy land through private groups and to finance the construction of buildings for the Government with governmental leases in their hands before they begin to build?

I speak not merely in disapproval of such an unwise policy by our Government but more to indicate the great need for this branch of the Government, the Congress, to concern itself constantly with scrutinizing and inquiring into the work of the many Government bureaus. There can not be too much review or research by the Congress into its almost innumerable boards, departments, and commissions.

The extent of abuse and criticism that has been heaped upon the Senate by reason of investigations it has conducted is well known. Do not forget there is a campaign in this country to stop and prevent all such senatorial investigations in the future. If it can not be stopped then an endeavor will be made to bring about the next best method—form that kind of investigating committees which will be less harmful to the department or officials investigated. Such a one is the compromise which has been presented here now—a mixture of an executive committee and a congressional committee to investigate into the alleged negligence and misconduct of Government officials which involved and resulted in the loss of life of a large number of defenders of the Nation. But there is no need to dwell upon the shocking features of this accident or the general charge of gross incompetency in handling the work of rescue and salvage. Of far more importance now is the principle of preserving the legislative power of investigation unhampered and unrestricted by outside interference.

I am opposed to any investigation by a combination of Members of Congress and individuals appointed by the Executive authority. My experience as governor of my State and the experience I have had in the observations of such investigations elsewhere is that they usually result in accomplishing nothing. First of all, they are inconvenient. It is often not possible for private individuals to meet when convenient for Members of Congress, and it is not convenient for Members of Congress to meet when the outsiders are able to meet. It is very difficult for them to arrange a time to meet. Secondly, they come together with divided authority. Again, if there is any remedy required, if there is any legislation necessary, it must be acted upon in this body, and therefore it seems to me that the work of investigations of this character ought to be carried on by Members of the Senate, in the absence of the House cooperating. We might just as well begin to accept the view that private citizens be appointed to sit on our committees and conduct our hearings and study of legislation.

Mr. President, I consider this compromise arrangement of a commission to carry on this investigation, composed of members designated by the Executive and of Members of Congress, in every way unsatisfactory. We had better have none at all. I fully agree with all the Senator from Virginia [Mr. SWANSON] has said. It is the entering wedge—that is the bad feature of it. It is the beginning of the end of open and thorough investigations by the people through their directly elected representatives. Every investigation we would have hereafter would be conducted in part by individuals named by the Executive. Suppose we had that arrangement in connection with some of the investigations which we have been conducting. What would have resulted? Suppose the Executive, President Harding, had been obliged or permitted to name citizens to investigate the allegations against his own Cabinet, corruption by members of his own Cabinet, where would we have been? I am opposed to a joint investigation committee in cases where the investigation is to be carried on by a commission composed of Members of Congress and appointees of the Executive, and I hope, therefore, the resolution will not be adopted.

This matter could have been disposed of and ended long ago, when we came back after the Christmas holidays, without any legislative act at all, without any Senate resolution or joint resolution. There is ample authority and power in every committee in this body to conduct an investigation relating to the purpose and work of the several committees. The Committee on Naval Affairs could have called before them these officers and other witnesses and made the investigation and then submitted to the Senate such recommendations as they might see fit. Months have gone by. Consideration has been postponed. I do not know what for unless it was to allow a cooling off of the public wrath and indignation which was aroused because of the *S-4* disaster. I now, as before, take the position that we have an independent, vigorous investigation by a Senate com-

mittee. We ought not to have a joint investigation such as is provided for in the resolution, because it will be unproductive of results and a bad precedent to establish.

Mr. President, the Portland (Me.) Evening News recently had a very excellent analysis and summary of the inquiry that was made by the naval court of inquiry. I would like to have it read at the desk. It is very enlightening and deals with the subject admirably. There is a slight reference made to the Senator from Maine [Mr. HALE], which I will ask to have omitted, because we are not concerned about that. I am only concerned about what it says with reference to the inquiry and the public rights in the premises.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the Portland (Me.) Evening News, March 21, 1928]

WHAT OF THE "S-4"?

The S-4 has been brought to the surface and is docked at the Charlestown Navy Yard. But an examination of her interior merely deepens the mystery surrounding last December's fatal disaster.

"The wound in the hull is not sufficient in itself to have caused the sinking. Even with the battered compartment filled with water, she could have remained afloat, except for loss of control of the instruments in the control room." This is the statement of Capt. E. L. King, who had charge of the salvage operations.

What drove the men out of the control room remains unknown. The naval court could only find that they "from some undetermined cause were driven from the central operating department shortly after the collision" and "were therefore deprived of the use of practically all the ship's facilities for raising the vessel themselves or for aiding in attempts at their rescue."

It will be recalled that the findings of the naval court of inquiry, while vigorous, were inconclusive, and that dissent from them was registered by higher naval authorities. The court found that the cause of the failure of the S-4 to take proper action prior to the collision, when the Coast Guard destroyer *Paulding* was still 75 yards away, could "not be determined absolutely." It found the S-4's dead commander and the commander of the *Paulding* jointly to blame for the collision.

In regard to the rescue operations, the court found that Rear Admiral Brumby, who was in charge of them, "had not the familiarity with the essential details of construction of submarines and the knowledge of rescuing vessels and the knowledge of the actual work being carried on by his subordinates necessary to direct intelligently the important operations of which he was in charge."

It further found—and note the contradiction in these findings—that while the rescue plans were "conceived by an expert staff . . . were logical, intelligent, and were diligently executed with good judgment and the greatest possible expedition, yet Rear Admiral Brumby failed to contribute that superior and intelligent guidance, force, and sound judgment expected from an officer of his length of service, experience, and position." The court therefore recommended that Rear Admiral Brumby be detached from command of the control force.

It is not clear how rescue plans, which (in the same sentence) the court declares to have been "logical, intelligent, and diligently executed, with good judgment and the greatest possible expedition," could likewise have lacked "intelligent guidance, force, and sound judgment" on the part of the officer in charge of them.

Nevertheless, a reading of the testimony will leave no one in doubt of Admiral Brumby's lack of qualification to carry out this particular work. To question after question bearing vitally on the saving of the lives of the imprisoned men, he was obliged to answer that he did not know. To his credit it should be stated that he made no attempt to "bluff" and to cover up his want of knowledge.

The judge advocate general, Rear Admiral Edward H. Campbell, dissented from the court's findings in regard to Admiral Brumby, saying that, in view of their adverse nature the court erred in not making that officer a defendant, which it had full authority to do.

The next higher authority, the Chief of the Bureau of Navigation, Rear Admiral Richard H. Leigh, dissented from holding the late Lieutenant Commander Jones directly and personally responsible for his share of the collision, and asserted his view that the facts found by the court did not support its opinions. Meanwhile Andrew Mellon, who, as Secretary of the Treasury, controls the Coast Guard Service, registered his dissent by saying "the Treasury Department . . . can not . . . permit an experienced, capable officer in its Coast Guard to be blamed for a collision for which this department has determined after careful investigation that he was not responsible."

And there you are.

Three relatively unimportant officers are picked as "goats." But in the case of Lieutenant Commander Baylis, his chief, Secretary Mellon, emphatically repudiates the finding. In the case of Rear Admiral Brumby the judge advocate general likewise demurs against the finding, and criticizes the court for making it. As for Lieut. Commander Roy K. Jones of the S-4—he is dead. He can not answer. And Rear Admiral

Leigh takes exception, likewise, to the finding in his case. But even assuming the correctness of the court's verdict, of what use or importance is it? Singling out three figures in the disaster, does not help to determine the true and ultimate responsibility nor does it make a recurrence of this tragedy either impossible or even improbable. Another S-4 disaster could occur to-morrow.

For all the testimony and findings to date the public is little wiser. It knows that the submarine went down under circumstances which naval officers at first declared unavoidable, but which to-day stand revealed as wholly avoidable and needless.

The public knows that the officer in charge of the rescue operations was scathingly condemned by the naval court and that his testimony showed him to be unfitted by experience to direct the work of rescue. At the same time, the people do not know why, in this great disaster which shook the country from coast to coast, and was a challenge to all the ability, ingenuity, and the resourcefulness of the Navy Department to save men still alive, an officer so little qualified was appointed to take charge. Who was responsible for picking him? Was he the best man available? Had the Navy none better than he? Far more important than fixing the blame on a dead Lieutenant commander of the Navy, a Coast Guard Lieutenant commander, and on a rear admiral, is to find out as far as possible:

1. Why the accident occurred. (This is not necessarily an unfathomable mystery.)
2. Why the various devices to save the men after the accident were made inoperative.
3. Why the appliances which might have been used to get air into the submarine were not available in time.
4. What other safety appliances which were not used might have been used to good effect.
5. Why it was not possible to raise it in a very much shorter time.
6. Why the rescue operations were so ineffectively carried out.
7. And (most important of all)—what steps have been taken, are being taken, and will be taken, to make the submarines of our Navy safe for their men in the future against so needless a collision, and so bungled an attempt at rescue.

Only by obtaining a satisfactory answer to this last question and by preventing the loss of more lives can the American people in any way compensate for the 40 lives lost on the S-4.

In the wake of the profound emotion brought about by the tragedy, an investigation by other than naval officers was sought in Congress. Certain Senators demanded a congressional investigation. Others fought it and, finally compelled by nation-wide indignation to do something, urged instead an inquiry by a commission which would, in effect, have been picked by the Secretary of the Navy. Public opinion finally forced the abandonment of that plan because of the widespread conviction that for the head of the Navy Department to investigate the department's shortcomings would lead nowhere.

A congressional inquiry was therefore voted in the Senate, despite the wishes of the chairman of the Senate Committee on Naval Affairs, in the matter. The measure went over to the House for conference.

The Navy Department—the administration—obviously does not want an investigation. The real facts—the real responsibility of those higher up—are to be covered up, if possible. Yet with not a move made that would make another such catastrophe impossible, a searching inquiry that would bring to light whatever there may be to prevent another needless sacrifice of young lives as in the S-51 and the S-4 becomes a supreme national duty. It is a solemn obligation to those gallant dead, who from their death trap, less than 20 fathoms beneath the surface, tapped out a call for help to the American Nation—and tapped in vain.

Mr. WALSH of Massachusetts. Mr. President, I think that editorial in a very direct and concise way sets forth the reasons why a congressional investigation should be made and why the investigation by the naval board of inquiry from the public standpoint was unsatisfactory.

I simply wish to say, in conclusion, that I have no objection to an investigation by experts being made by and for the Executive; I would be glad to have the Navy Department have the benefit of all the expert advice and technical assistance that it may need; but I do deplore the abandonment by Congress of its plain duty, which I conceive to be that of a safety valve and check upon the bureaus of the Government. I can not imagine anything that the bureaus would welcome more than a sign hung outside the doors of Congress: "Hereafter all bureaus are to be investigated by other bureaus of the Executive department; Congress has given up the business of making any inquiry into the derelictions of public officials."

Mr. HALE. Mr. President, the article inserted in the RECORD by the junior Senator from Massachusetts does not greatly disturb me. The Portland News is a newspaper that was started, I believe, some time last summer in my home city of Portland. I have the good fortune or the misfortune at the present time to be a contestant for renomination to the Senate. One of the principal functions of that newspaper seems to be to oppose everything I do and to laud everything that my oppo-

nent does. So I do not feel very greatly distressed by what this newspaper has published.

Mr. WALSH of Massachusetts. Mr. President, I was aware of the fact that the newspaper appeared to be in opposition to the Senator from Maine, and I had eliminated from the article a short line which, by the way, did not in any way reflect upon the Senator other than to refer to his connection with and mistaken views on this matter. I should like to ask the Senator, aside from the fact of the political opposition of that newspaper to him, is there anything in the paper's analysis of the naval board of inquiry that he finds fault with or criticizes? Is it not a correct and enlightening statement in regard to this accident and its problems?

Mr. HALE. Mr. President, before replying to that inquiry, I should want to consider the article. I simply heard the statement that it was an article from this particular newspaper, but I did not carefully attend to what it stated.

Mr. WALSH of Massachusetts. I am not concerned about the political position of this newspaper, but I am concerned about the fact that it gave an analysis of the report of the naval board of inquiry which seemed to me to be excellent and reiterated solid reasons why a congressional investigation should be made.

Mr. HALE. I have already given my views about what I think should be done.

Mr. GERRY. Mr. President, I am entirely in accord with what the Senator from Virginia [Mr. SWANSON] and the junior Senator from Massachusetts [Mr. WALSH] have said and the action they urge. I greatly regret that the department has seen fit to try to dictate and to have control of this investigation. As a strong supporter of the Navy, and as a believer in the fine body of men that compose it, I feel that they are entitled to have a thorough investigation of the *S-4* disaster, and to have the facts clearly disclosed in a way that will make for public confidence. I do not believe that it is a sound policy or a correct one to allow the department in charge to have anything to say in the control of an investigation into a disaster that has happened under that department.

In the sinking of the *S-4* we have suffered one of the most deplorable calamities that have happened to the Navy in years. The heroism of the gallant men who served on the *S-4* has touched the country deeply, as have the horror and the tragic character of the disaster which overwhelmed them. What the people want to know and what they have a right to know is, Was everything done that should have been done to have prevented the disaster, and after it occurred was everything done that could have been done to raise the *S-4* as quickly as possible?

The President, as Commander in Chief of the Army and Navy of the United States, could appoint—and I wish he had appointed—experts to go into the matter. I have no objection to that whatsoever.

There has been the usual court of inquiry held, and the court of inquiry has submitted a report that is apparently not satisfactory to the Secretary of the Treasury or to the Secretary of the Navy, the heads of the two departments involved. Now, we are faced with the desire of the Secretary of the Navy to have experts on the commission that is to be appointed to investigate this matter further, experts whom he is to pick. That really is the crux of the whole situation. Is a department head going to dominate investigations relative to his department or are the Senate and the House going to assert themselves and to insist on conducting the investigation and bringing out the facts? If Congress shall conduct the investigation, the public, in my opinion, will be satisfied that the work will be thoroughly done. If the department or appointees of the department shall conduct it, the public will not be satisfied.

I can not see how in any way it can be other than harmful to the Navy to have the resolution agreed to, for the public will feel—and with some justification—that the investigation which is proposed will not be as properly or as thoroughly undertaken as it will be, in my opinion, if the Senate or the House shall conduct it. I therefore am going to vote to let this matter go back to the House so as to ascertain if the House conferees are right in their opinion that the House itself does not want to aid the Senate in the investigation.

Mr. BLEASE. Mr. President, I thoroughly agree with the Senator from Massachusetts in reference to this investigation. When men are deliberately robbing and stealing from the farmers of this country, and an investigation is requested, and the Attorney General of the United States refuses to allow the people whom he has under his control to investigate that matter properly, and then refuses to allow what reports they do make to be known to those outside of his office who are very much interested in the matter, I think it should be lesson enough to this body that there will not be a fair investigation

made of anything crooked connected with the present administration, whether it be the sinking of the *S-4*, or whatnot.

On the 17th of October, 1927, this letter was written by the Attorney General of the United States:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., October 17, 1927.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to acknowledge your letter of the 13th instant inquiring what has been done in the matter of irregularities relating to the business of the Intermediate Credit Bank of Columbia, S. C., and expressing a desire for a copy of the report on the investigation of those irregularities made recently by accountants of this department. You suggest that if the reports are true some action should be taken, either by the Senate or this department, with reference to some certain officers.

The reports of investigators of this department are confidential, and it is against the rules of the department to furnish copies upon request. I beg to advise you, however, that the accountants have been making a very careful examination and that a number of indictments have been returned, which are, of course, on file at the office of the clerk of the United States District Court for the Eastern District of South Carolina. I have no doubt that Major Meyer will prosecute those indictments promptly and vigorously.

Very truly yours,

JOHN G. SARGENT, Attorney General.

There have been no such indictments returned as spoken of in that letter of the Attorney General against anybody connected with the Intermediate Credit Bank of the city of Columbia. That letter is a direct, positive dodging of the question at issue in that bank investigation and goes off to a little credit bank down in Beaufort, S. C.

On November 2 the Attorney General wrote the following letter; and these letters are signed, not by any subordinate, but by John G. Sargent, Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 2, 1927.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR: I desire to acknowledge your letter of the 24th ultimo, referring further to the alleged irregularities involving the South Carolina Agricultural Credit Co., of Beaufort, the Beaufort bank, and the Federal Intermediate Credit Bank of Columbia, and expressing the hope that I will see to it that the man higher up is properly looked after.

I beg to assure you that that case will have, and is having, the careful attention of this department with a view to the prompt and vigorous prosecution of every person involved who is found to have committed acts prohibited by the Federal criminal statutes. If any information as to persons other than those indicted comes into your possession, may I ask that you furnish it immediately to this department or to the United States attorney?

Sincerely yours,

JOHN G. SARGENT, Attorney General.

Mr. President, enough testimony has been furnished to that department and enough testimony has been furnished to the Senate upon which any jury in the world, unless they be bought, would convict Arnold, the ex-superintendent or assistant superintendent of the Atlanta (Ga.) Penitentiary, and put him in the penitentiary, where he belongs. Nothing has been done, however, and the department to-day is not only attempting not to do anything, but they are attempting to keep a Senate committee or the officers under the department from bringing these prosecutions; and the only reason I can see for it is that they are afraid that this rascality and thievery will injure the Republican Party in the coming election, because the institution is under their domination and control.

Now, Mr. President, I propose to furnish some more proof as to what is going on.

On March 24 I received the following letter:

FLORENCE, S. C., March 24, 1928.

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SIR: I am wondering if there is anything that could be done to assist the farmers in getting service from the intermediate credit bank at Columbia. My application was filled out for a loan of \$3,000 on February 10, 1928. February 20 I received a notice through Mr. Husbands that it had been approved and a check would be down shortly. Two weeks later I received notice that it had been approved but reduced to \$2,500, which I accepted as it was so late. March 12 I received notice that it had been approved for the full amount, but required real-estate mortgage, which I prepared and forwarded the same day, in addition to the securities which I had offered. My securities are more this year than they were last and for the same amount.

On March 15 I went to Columbia and talked to Mr. Daniels. He first told me that I would not get any money. I asked to see Mr. Arnold, but he refused to see me. Mr. Daniels told me to get my application back up there and he would try to get my loan through. On March 20 I received notice that my loan had been approved, and on the 24th I received check, though cut to \$2,500. Mr. Arnold told Mr. Husbands that the people were standing between him and the Lord; that he would step aside and let the Lord have them. So it seems to me that it is very necessary that something be done.

It seems impossible even when a loan is approved to get the money in time enough to be of much service to the farmers, and my case, of course, is one of several thousand similar ones. I had the same trouble last year. It was the last of March before I got this money, so I had to buy fertilizers and get them in the ground the best way I could, which meant a great loss to me.

I have always paid my obligations on or before maturity.

If I could get my money by February 15 I could save a big bit in my fertilizer bill. For instance, I can buy material and mix 8-3-3 at a cost of \$19 per ton. If I do not have this time to do this in, I will have to buy a ready-mixed fertilizer at a cost of \$25 per ton, so you can see what a loss it is to be thrown out.

Hoping that you will do something to relieve the situation, I am,

Very truly yours,

The people in South Carolina would like mighty well for Mr. Arnold to "step aside," whether the devil or the Lord gets him makes no difference to them.

On October 22 I received a letter from Beaufort sending in a report sent by the head of this bank to the Atlantic Commission Co., of New York and Philadelphia, instructing that the produce be sold over which this bank was supposed to have a mortgage, and, after its sale, that the money should be deposited in the Atlantic Co.'s bank—sneaking it out of the State of South Carolina into hands where they did not believe that an investigation would reach it. I ask that that letter and a letter signed by the South Carolina Agricultural Credit Co., along with a letter from Pelion, which I received this morning, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BEAUFORT, S. C., October 22, 1927.

HON. COLE L. BLEASE,

Anderson, S. C.

DEAR SENATOR: Inclosed you will find a copy of a letter written to the Beaufort Truck Growers Cooperative Association by R. C. Horne, Jr., president of the South Carolina Agricultural Credit Co., which I caused to be recorded in this office owing to my having heard that the president of the intermediate bank was anxious to get the original and later did get it and up to this time has not returned it to the parties in control of the Beaufort Cooperative Association. I understand that certain of the defense counsel have a letter written by Arnold to the Beaufort Truck Growers Cooperative Association ordering them to do identically the same thing that is set out in this letter, so you see they were not as innocent bystanders as they would like people to believe.

You might keep this letter for your files.

With kindest regards to you and Mrs. Blease, I am,

Very truly,

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C., April 27, 1926.

BEAUFORT TRUCK GROWERS COOPERATIVE ASSOCIATION,
Beaufort, S. C.

GENTLEMEN: You are hereby requested and directed to have the Atlantic Commission Co., of New York and Philadelphia, make the checks for produce sold for the Beaufort Truck Growers Cooperative Association payable to the order of H. B. Macklin. These checks to be deposited at once in the Hanover National Bank, of New York, to the credit of the Beaufort Bank, Beaufort, S. C., said Beaufort Bank will in turn credit the Beaufort Truck Growers Cooperative Association and its individual members with all the funds turned over to said H. B. Macklin by the said Atlantic Commission Co., of New York and Philadelphia.

This money shall be credited to the accounts of said members of the Beaufort Truck Growers Cooperative Association with the South Carolina Agricultural Credit Co., said South Carolina Agricultural Credit Co. now having crop mortgages over crops of the members of the Beaufort Truck Growers Cooperative Association.

Yours very truly,

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
By R. C. HORNE, Jr., President.

Senator BLEASE,

Washington, D. C.

DEAR SIR: I notice that the Committee on Banking and Currency may not take action at this time on the two resolutions pending in the Senate for an investigation of the land bank at Columbia. They are robbing the farmers under the guise of cheap money. I will mail you evidence if you think it necessary, that will prove what I have said.

Yours truly,

Mr. BLEASE. When one distinguished department, one standing alone, or supposed to be, to bring criminals to justice, to give the people of this country what is due them, not only refuses to act, but conceals in that department that which will prove the guilt of the criminals, and refuses to give it to the people or to those who are most interested in bringing this matter to light, why send this S-4 matter to a department already choked and fixed—hog tied, if you please—knowing that they will lose their jobs if they tell the truth, and lying, possibly, to get an increase of salary?

I have this morning an article from the Greenville News, of South Carolina, dated Columbia, S. C., March 24, as follows:

Testimony that the Intermediate Credit Bank of Columbia had lost more than a million dollars was given by officials of the bank at the recent trial of seven former officers of the Beaufort bank and the South Carolina Agricultural Credit Co.—

They always dodge off on Beaufort, a side issue—

on charges of conspiracy to defraud the Federal institution. Three of the seven defendants were convicted and sentenced to prison terms.

In their defense the seven on trial sought to show that officials of the intermediate credit bank were aware of the irregularities in the paper which was discounted by the Columbia institution for the Beaufort concern.

Mendel L. Smith—

One of the gentlemen whom I have named here as a witness—

was one of the defense counsel. J. D. E. Meyer prosecuted the case as United States district attorney, while Ernest Cochran presided over the trial as United States district judge. Edgar A. Brown was also of defense staff. R. A. Cooper, of Washington, was chairman of the Federal Farm Loan Board until a few months ago.

Mr. President, there is the proof. What more does Attorney General Sargent want? What more does the Senate want? Why do these committeemen continue to carry that resolution in the committee, thereby protecting those who are charged with robbing the farmers of South Carolina by the officers of this Government under a Republican régime?

I will tell you why. People of one certain kind will protect those of another certain kind. As the Senator from Indiana [Mr. ROBINSON] well said, "Birds of a feather will flock together." I ask the Senate either to see that that resolution comes out of that committee either with a favorable or an unfavorable report, and that we are given the privilege of passing upon it, or that you confess to the people of this country that you are afraid that you might discover another Teapot Dome scandal by reason of that bank in the city of Columbia, and not only in the city of Columbia but possibly all over this Government, absolutely stealing—and I mean that in the meanest sense—from the pockets of the farmers of my State, and being protected by the Attorney General of the United States of America by his own letters, the originals of which I have, and any man who desires to see them can see them.

Yes; send your resolution to the committee; send it to one of the departments, you gentlemen who are interested in the S-4 matter, and you will find just what I have found here. The further you get, the deeper they will bury it; and after a while it will be so painted and pictured and fixed up that instead of thinking thieves and scoundrels have charge of the bank in Columbia you will actually believe that some of the people that this man says have separated him from the Lord have been converted into angels.

I do not want the investigation to hurt anybody unless they deserve to be hurt; but I want the investigation; and I shall keep bringing it before the Senate until some action is taken on it, to let the people of my State and this whole country have money at a reasonable rate, have money at a proper sum, have money without lawyers' charges, big fees, for the purpose of getting a loan through; have banks that the poor man can go to and get a loan from without hiring some agent to make the deal for him, without hiring some outside lawyer to go to the bank lawyer and pay him a part of his commission to help him get a loan.

PELION, S. C., March 24, 1928.

Gentlemen talk about helping the farmers of this country. I hear a lot of talk about it, but I have seen very few people who really voted to help them. I do not want to be on the committee, because I do not know a thing in the world about banks and the banking business, except when I use to go and pay interest about every 90 days or six months on a note or two I happen to have in the bank.

I do not want to be on the committee. I want men on the committee who understand the situation, men who can get the truth, and if these men are not guilty as charged in these letters and affidavits and the evidence in the courthouse at Columbia, let them be found not guilty and discharged. At the same time, let the people know that you have an interest in this bank and in them, and that you want the crookedness, if any there, out of this bank. Let the people of my State regain their confidence in this Government so that they may believe the Government is trying to help them, and not trying to rob them, as is accused here.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McLean	Shipstead
Barkley	Gillett	McMaster	Shortridge
Blaine	Glass	McNary	Smith
Blease	Gooding	Mayfield	Smoot
Borah	Gould	Moses	Steck
Broussard	Greene	Neely	Steiwer
Bruce	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Thomas
Copeland	Hawes	Oddie	Tydings
Curtis	Hayden	Overman	Tyson
Cutting	Heflin	Phipps	Wagner
Dale	Johnson	Pine	Walsh, Mass.
Dill	Jones	Pittman	Warren
Edwards	Kendrick	Robinson, Ark.	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Fletcher	King	Sackett	Wheeler
Frazier	McKellar	Sheppard	Willis

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Alabama [Mr. BLACK], the Senator from New Mexico [Mr. BRATTON], and the Senator from Georgia [Mr. GEORGE] are detained from the Senate in attendance at the funeral of the late Senator FERRIS.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present.

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

The SERGEANT AT ARMS (David S. Barry). Mr. President, I have to report that, acting under the authority of a warrant issued by the Senate, I took Thomas W. Cunningham into custody this morning through my deputy. He appeared before Judge Dickinson and applied for a writ of habeas corpus, which was granted, and he was released on \$1,000 bail, returnable on April 5, 1928.

Mr. KING. Mr. President, on the 22d instant the Special Committee Investigating Expenditures in Senatorial Primary and General Elections submitted a special report in connection with Thomas W. Cunningham, a recusant witness who had appeared upon two occasions before said committee and had refused upon each occasion to answer proper and pertinent questions propounded to him by the committee. The questions related to the investigation being conducted by the committee, and among other things were asked for the purpose of obtaining information proper and pertinent to said investigation, and for the purpose of aiding the Senate in the matter of legislation. The report recommended that because of the defiant and contemptuous conduct of said Thomas W. Cunningham he be adjudged in contempt of the committee and of the Senate. Following said report the committee offered Resolution 179, which was adopted by the Senate. Resolution 179 is as follows:

Whereas it appears from the report of the special committee investigating expenditures in senatorial primary and general elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under S. Res. 195 of the Sixty-ninth Congress, declined to answer certain questions relative and pertinent to the matter then under inquiry: Therefore be it

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of the said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere, as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep

the said Thomas W. Cunningham in custody to await further order of the Senate.

Pursuant to the report and Resolution 179 the Vice President issued his warrant in due form, commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham and to bring him before the bar of the Senate. The Vice President delivered the warrant to the Sergeant at Arms of the Senate, David S. Barry, who duly served the same by his deputy, John J. McGrain, upon Thomas W. Cunningham in the city of Philadelphia, Pa. The Sergeant at Arms has just reported that he took into custody through his deputy said Thomas W. Cunningham, and that the latter applied for a writ of habeas corpus, which was granted by Judge Dickinson, and said Cunningham was thereupon released upon \$1,000 bail, returnable April 5, 1928.

Mr. President, I am directed by the Special Committee to Investigate Expenditures in Senatorial Primary and General Elections to submit a resolution in the form of a motion. Pursuant to such direction I move that the President of the Senate be directed to certify to the United States district attorney for the District of Columbia the report made on March 22, 1928—being Report No. 603—by the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, relating to the contumacy of Thomas W. Cunningham, a witness before the committee, for appropriate action by that officer.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. ROBINSON of Arkansas. Does this follow the precedent recently established in what is known as the Stewart case?

Mr. KING. I think it does.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. KING. Mr. President, I offer the following resolution.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 183), as follows:

Resolved, That the Special Committee Investigating Expenditures in Senatorial Primary and General Elections is authorized to employ counsel at a cost of not to exceed \$2,500, to be paid out of the contingent fund of the Senate, to represent the Senate in any proceedings taken by Thomas W. Cunningham in any court to obtain his release from the custody of the Sergeant at Arms.

Mr. KING. I move the adoption of the resolution.

Mr. WALSH of Massachusetts. Is the resolution in the same form as that offered in a previous case?

Mr. KING. It is, as I recall that resolution.

Mr. WALSH of Massachusetts. It provides the same amount of money?

Mr. KING. The same amount.

Mr. SMOOT. I think under the law it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Massachusetts. I may say that the Committee to Audit and Control the Contingent Expenses of the Senate approved of a similar resolution in a previous case.

Mr. SMOOT. I dare say the committee will approve this resolution immediately, but under the law it has to go to that committee.

Mr. KING. I have no objection, and shall ask the reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. I express the hope that the committee will act as promptly as convenient. When action is reported by the committee I shall renew my motion for the adoption of the resolution. For the moment I shall not ask for its adoption.

The PRESIDING OFFICER. Without objection, the resolution will go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING subsequently said: Will the Senator from Wisconsin suffer an interruption to consider a matter not related to the bill before the Senate? The Senator from Ohio [Mr. Fess], of the Committee to Audit and Control the Contingent Expenses of the Senate, desires to submit a report which will take but a moment to be acted upon.

Mr. FESS. Will the Senator yield for that purpose?

Mr. BLAINE. I yield.

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back Senate Resolution 183 favorably without amendment, and I ask unanimous consent for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to.

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine S-4 and upon methods and appliances for the protection of submarines.

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from Maine [Mr. HALE].

Mr. HALE. Mr. President, I would like to amend the resolution I offered by changing the language "two Senators and two Representatives" to "three Senators and three Representatives."

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state his inquiry.

Mr. CURTIS. The first action for the Senate to take is to ask for a conference.

The PRESIDING OFFICER. That would be the ruling of the present occupant of the chair, if the point is made.

Mr. CURTIS. As I understand it, the only way to handle this properly is to ask for a conference, and if a conference is agreed to, then let the Senator offer his resolution, which will be treated as an instruction.

Mr. HALE. This is not an instruction; it is merely a resolution to get the sense of the Senate. I propose to offer one motion if the resolution is agreed to, and another if it is not agreed to.

Mr. CURTIS. Just a second. If a vote is had upon this resolution and the resolution is defeated, is it then the intention of the Senator to ask for a conference?

Mr. HALE. I am going to ask that the Senate adhere to its amendments.

Mr. SWANSON. That was the understanding.

Mr. ROBINSON of Arkansas. I understand that the Senator is presenting the resolution as by unanimous consent.

Mr. CURTIS. I have no objection if there is an agreement between the two sides, but I think the other course would have been the better one.

The PRESIDING OFFICER. The clerk will read the resolution as modified by the suggestion of the Senator from Maine.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that the compromise proposed by the House conferees on House Joint Resolution 131, providing for the addition of three Senators and three Representatives to the commission provided for in said joint resolution, should be accepted by the Senate conferees in the event that a further conference be ordered.

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBINSON of Arkansas. Has consent been given for the consideration of the resolution?

The PRESIDING OFFICER. The conference report was adopted some time ago.

Mr. ROBINSON of Arkansas. The resolution is not in order except by unanimous consent.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. ROBINSON of Arkansas. I do not object to the consideration of the resolution.

The PRESIDING OFFICER. The Chair understood that consent had been given.

Mr. ROBINSON of Arkansas. But I think that for the preservation of orderly procedure in the Senate it should be understood that this resolution is considered only by unanimous consent at this time.

Mr. HALE. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. KING. May I inquire by what parliamentary procedure the resolution comes before us in advance of the disposition of the conference report?

Mr. HALE. I do not think it is in the nature of instructions at all. It is simply a resolution to get the sense of the Senate so I can tell what sort of motion to make afterwards, whether to move to insist or to adhere.

Mr. SWANSON. In order to get a vote to adhere and end the discussion and in order to enable us to get a vote in the House on our amendments, which it has been impossible to do,

when the pending resolution is defeated, which I hope it will be—

Mr. HALE. And I hope that it will not be.

Mr. SWANSON. And which I shall vote against—

Mr. HALE. And I am going to vote for it.

Mr. SWANSON. Then I am going to move, or the Senator from Maine will move, that we adhere to the amendments of the Senate. Then we can get a vote in the House on the amendments of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Maine, on which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the junior Senator from Alabama [Mr. BLACK] and vote "nay."

Mr. NORBECK (when his name was called). On this question I am paired with the junior Senator from Iowa [Mr. BROOKHART], who is absent. If that Senator were present, he would vote "nay." If permitted to vote, I would vote "yea."

Mr. TYDINGS (when his name was called). On this question I have a pair with the Senator from Minnesota [Mr. SCHALL]. If he were present and permitted to vote, that Senator would vote "yea," and I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GORF], who is absent. Not knowing how he would vote, I transfer my pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

The roll call was concluded.

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily absent, attending the funeral of the late Senator Ferris.

Mr. PHIPPS (after having voted in the affirmative). I have a pair with the Senator from Georgia [Mr. GEORGE]. On account of his absence and not knowing how he would vote, I withdraw my vote.

Mr. COPELAND. Upon this matter I have a pair with the junior Senator from Rhode Island [Mr. METCALF]. Transferring that pair to the senior Senator from Montana [Mr. WALSH], I vote "nay."

Mr. TYDINGS. The Senator from North Carolina [Mr. SIMMONS] being necessarily absent, I transfer my pair to him and vote "nay."

Mr. PHIPPS. I find that I can transfer my pair with the Senator from Georgia [Mr. GEORGE] to the Senator from California [Mr. SHORTRIDGE], which I do, and vote "yea."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from Illinois [Mr. DENEEN] with the Senator from Louisiana [Mr. RANDELL]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 24, nays 41, as follows:

YEAS—24

Capper	Gould	McNary	Smoot
Curtis	Greene	Moses	Steiwer
Cutting	Hale	Oddie	Warren
Dale	Jones	Phipps	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Gillett	McLean	Sackett	Willis

NAYS—41

Barkley	Frazier	McMaster	Steck
Blaine	Gerry	Mayfield	Swanson
Bleuse	Glass	Neely	Thomas
Borah	Harris	Norris	Tydings
Broussard	Harrison	Nye	Tyson
Bruce	Hawes	Overman	Wagner
Caraway	Hayden	Pittman	Walsh, Mass.
Copeland	Heflin	Robinson, Ark.	Wheeler
Dill	Kendrick	Sheppard	
Edwards	King	Shipstead	
Fletcher	McKellar	Smith	

NOT VOTING—28

Ashurst	Deneen	Johnson	Reed, Pa.
Bayard	du Pont	La Follette	Schall
Bingham	Edge	Metcalf	Shortridge
Black	George	Norbeck	Simmons
Bratton	Goff	Pine	Stephens
Brookhart	Gooding	Ransdell	Trammell
Couzens	Howell	Reed, Mo.	Walsh, Mont.

So Mr. HALE's motion was rejected.

Mr. HALE. Mr. President, in accordance with the statement which I made before the vote was taken, I now move that the Senate adhere to its amendments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

Mr. EDWARDS. Mr. President, I desire to say just a few words before the vote is taken. I have been literally flooded with letters from all parts of the country with reference to the S-4 disaster. There seems to be a well-founded suspicion, at least, that the disaster was caused by the zeal of the Coast Guard destroyer *Paulding* in chasing what it is said were rum runners. At the time of the disaster the man on the bridge was an inexperienced officer, who admitted that he would not know a periscope if he saw one.

I do not think the country will ever be satisfied with any hybrid investigating committee that will tend to whitewash those responsible. I am thoroughly opposed to any such committee. I am in favor of a real investigating committee which will go to the root of the situation and tell the public the truth. Under no other circumstances will the country be satisfied. I am, therefore, opposed to any compromise with the House or with anybody else. I believe that if we can not have a real investigation by a joint committee of the House and Senate, we should have a real investigation by the Senate itself.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine, that the Senate adhere to its amendments.

The motion was agreed to.

OIL SCANDAL AND CAMPAIGN CONTRIBUTIONS

Mr. ROBINSON of Indiana. Mr. President, I desire to announce at this time that at next Thursday's session of the Senate, as soon as I shall be able to obtain the floor in my own right, I expect to address the Senate on the subject of the naval oil leases and Teapot Dome.

I make this announcement now because I understand the senior Senator from Montana [Mr. WALSH] will not have returned until that time from attending the funeral services of our late colleague from Michigan, Mr. Ferris, but that he will be here on Thursday. I promised him I would not attempt to speak on the subject before his return, and it is necessary for me to leave the city that same evening. So I thought it well to make the announcement at this time.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that at the conclusion of the routine business to-morrow morning the Senate shall proceed to the consideration of unobjected bills on the calendar until 2 o'clock, unless the calendar is sooner disposed of.

Mr. ROBINSON of Arkansas. I have no objection to that arrangement.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

PROTECTION OF MIGRATORY BIRDS AND GAME

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate bill 1271.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] is recognized.

Mr. BLAINE resumed the speech begun by him on Wednesday last. His speech entire is as follows:

Wednesday, March 21, 1928

Mr. BLAINE. Mr. President, in the consideration I shall give to Senate bill 1271, I hope that I shall be credited with a proper motive in my opposition, for my objections to this bill are in no way facetious or frivolous.

I have no doubt but that the senior Senator from South Dakota [Mr. NORBECK] has a sincere desire to conserve wild life. I do not doubt for one moment that he believes that this measure will conserve wild life. I think the Senator and I will agree to the proposition that in the conservation of wild life there should be a consideration of certain fundamentals that relate to mankind; that there is a relationship between all living things; that there must be a sort of balancing and counterbalancing of nature if we are to conserve and make possible

the continuity of human life. Human life depends upon the lower order of animal life, and can not exist without the preservation of all wild life.

We probably will differ as to the method and the procedure to be employed in the conservation of wild life. Life is a precious thing, whether there is a consciousness that arises out of the human soul or out of the instincts of the lower order of life. The taking of life may be justified; but when it is not justified it is a cruel, inhuman, and immoral act to take the life of a single thing that is essential to this well-ordered world of ours, not designed by man, but designed by a Power that has created all things, and the design of whom is to perpetuate all things.

As I conceive this measure to be, and as I think I shall be able to demonstrate beyond the peradventure of a doubt, if this bill is enacted into law, the result will be the destruction of wild life. This is not a conservation measure. This is a measure that promotes vandalism of our wild life. It is a measure that is sailing under false colors; but I want to say in passing now that the author of this bill has no design and no motive to bring about its enactment under false colors. I think, however, that he has been led into error through a limited public propaganda which, if it succeeds, is going to result in the destruction of wild life.

This measure has back of it certain selfish interests with which the Senator from South Dakota has no connection. There have been proponents of this legislation outside of Congresses and outside of legislatures who wanted and who still want to set up a system of game preserves that in effect would result in the exclusion of all others from the enjoyment of these game preserves except those who have the leisure and the funds with which to make use of these preserves.

I am of the opinion—and it is not one drawn from my imagination but one that is written in the very bill itself—that this bill is designed to conserve wild life just for one purpose, and that purpose is to kill, quite regardless of the justification of the killing.

Mr. NORBECK. Mr. President, will the Senator yield? I do not want to interrupt the Senator if he would rather proceed.

Mr. BLAINE. I shall be very glad to yield to the Senator.

Mr. NORBECK. This bill provides mainly for the purchase of land. It provides, further, that there shall be no hunting on those reservations, except that 40 per cent of the land may be thrown open to hunting in case there is a surplus of game. Is that the feature to which the Senator objects?

Mr. BLAINE. I conceive the results that will flow from this bill entirely differently from the way the Senator from South Dakota does. Our difference may be due to a misunderstanding of what flows from the provisions contained in this bill, and which I will very shortly point out.

Mr. NORBECK. In regard to the Senator's reference to wild life, he understands that this bill has been drawn on this theory, that a good deal of the wild life is to be used for the benefit of man. Under this plan we raise ducks and geese for the purpose of killing them, just the same as we do turkeys, and chickens, and domestic animals. In other words, civilization has been striving all the time to raise more animals so as to have more food. The same thought is carried out in this bill; that is, what is the use having a million geese eating up all the farmers raise unless those geese can be secured for human use? I do not want to have any misunderstanding about the purpose of the bill.

Mr. BLAINE. I thank the Senator. I understand the purpose as explained by the Senator, and I will get to that very shortly; but just presently, in passing, if the provisions of the bill will result as the Senator suggests, there is no reason why the little boy in blue jeans should pay a dollar a year toward a fund out of which will be created an army of game wardens, Federal officials, reaching out their strong, heavy hand upon those who really need this wild life for food. I will get to that very shortly. I am going to cover the whole subject.

Mr. NORBECK. May I ask whether the State of Wisconsin charges a license fee of a dollar for hunting at the present time?

Mr. BLAINE. I will get to that also.

Mr. DILL. Mr. President, if the Senator will permit an interruption, not only must the boy pay the dollar license, but that very dollar will be used to employ game wardens, who receive their authority from Washington, D. C., to go around and interfere with people outside the reservation.

Mr. BLAINE. Yes. I want to say, in answer to the question of the Senator from South Dakota, that my State of Wisconsin does require for hunting a license fee of \$1 per year, and that the State of Wisconsin has fully and efficiently carried out her duty and obligation under the laws enacted by

the National Congress, and under the treaty with Great Britain, with reference to migratory birds. It is a police power which she exercises, under amendments 9 and 10 to our Constitution, a power which we are exercising effectually. There is no reason for interference by a centralized government 1,000 miles away from the homes of those boys, those farmers, those city workers, those in our villages, who are obeying the laws and conserving the wild life. Here is a bill in which it is proposed to extend the arm of a bureaucratic administration, located here in the city of Washington, far, far away, with the result that those who can least afford to pay, that those who must, through necessity, have this wild life for food, are unable, on account of circumstances or of distance and financial considerations, to approach this king of the wild here in Washington, a bureaucratic organization, to seek relief from the arbitrary acts of a game warden.

Mr. NORBECK. May I call the Senator's attention to the fact that there are no game preserves to be established in any State except in cooperation with the State? It is possible the Senator has reference to the Federal game wardens who are provided in the act of 10 years ago. Wisconsin to-day has a Federal game warden enforcing the laws of Wisconsin, as far as he is able to reach. It is not a new matter. That is provided in the law now.

Mr. DILL. The Senator knows there are only 24 game wardens in 48 States, and this will provide a tremendous fund.

Mr. NORBECK. Will the Senator permit me to ask how many game wardens the State of Wisconsin has?

Mr. BLAINE. All that the dollar license fee will support.

Mr. NORBECK. About a hundred?

Mr. BLAINE. Oh, no.

Mr. NORBECK. About 50?

Mr. BLAINE. About 50 or 60.

Mr. NORBECK. Give us 50 or 60 in the whole United States and we will do some business.

Mr. BLAINE. But we are performing our whole duty.

Mr. NORBECK. But all the States are not.

Mr. BLAINE. Why does the Senator want to empower a Federal organization to interfere with this local police regulation? What is going to be the result of this? There is a constant attempt, and some attempts have been successful, to extend this arm of the centralized government over the States and over our people to such an extent that to-day men and women recognize that there is little respect for law. The time was when Uncle Sam and Uncle Sam's legislation were held in high regard, but never in the history of America has there been such disregard for law. Why? Simply because Congresses have been engaged in a veritable diarrhea of legislation, until no man knows what the law is.

Worse than that, by extending the arm of the Federal Government out over the States, usurping the police power of the States, a psychology is being brought about whereby local enforcement of the law is being discouraged. There can be no effective enforcement of any law, I do not care what it is, unless there is local public opinion back of it, and also unless there is local responsibility as well. Take off the shoulders and conscience of the American people locally this responsibility and duty to enforce law, and there will be no law enforcement. Men and women are willing to bear that responsibility, but when agencies are set up that assume that responsibility, at once the local communities are discouraged, the very force and power that make law enforceable and enforced are disheartened. They are discouraged from continuing to perform their duties and responsibilities, because whenever Government becomes intermeddling with respect to everything, whether it is regarding the freaks of weather or the frills of fashion, we may expect the people to receive more of that kind of interference and that kind of intermeddling and that kind of paternalism, until the moral fiber of our people is destroyed, and it is made impossible to enforce law.

That is the trouble to-day. America is not a disordered Nation. The American people as a whole are law-abiding citizens, decent citizens, but when the centralized Government spreads its hands out all over the United States, getting its fingers into every activity of life, then the man on the street says "Let George do it," with the result that we can not and do not have law enforcement in America to-day.

The States are being deprived of their self-government, their police power guaranteed to them under the Constitution; and if you continue to destroy this responsibility and these rights you will destroy the very thing that makes it possible to sustain and maintain law and order. All that will be left will be an army of public employees, such as there were in the ancient

régime of France, and there will be a public official in the shadow of every citizen. He will be followed everywhere. If he has hogs to take to market, there will be a hog inspector. If he has a calf to take to market, there will be a calf inspector. If he has something else to take to market, there will be some other public official controlling in his shadow, and if perchance the sow has a litter of pigs, there will be inspectors of pigs. So it goes all the way down the line, and here it is proposed to have game wardens, to put into the hands of one department 500 or more game wardens, spread out all over the United States to enforce this law, which is not a law for conservation but a law the result of which will mean the destruction of wild life, and the very bill itself so proclaims. I want to read that section at this time.

Mr. NORBECK. Where does the Senator get his figures of 500 game wardens?

Mr. BLAINE. I will get to that very shortly.

Mr. NORBECK. That would be only 10 for each State.

Mr. BLAINE. I will give the figures shortly.

Mr. NORBECK. That would be a very small number compared to what Wisconsin uses in the enforcement of the law.

Mr. BLAINE. Wisconsin can take care of herself. We do not want a single Federal game warden there. The more we have, the less law enforcement we have.

Mr. NORBECK. Under this measure there would be no preserves in Wisconsin unless they were asked for.

Mr. BLAINE. We have them already, and I am going to show the evil consequences that flow from the autocratic administration on the preserve that it forced upon our State.

Mr. NORBECK. The Senator is opposed to the Mississippi wild-life bird refuge, is he?

Mr. BLAINE. I am not, and I will read the provisions in the State law, which I had the privilege to write, designed to preserve the rights of the people of Wisconsin, not only under the Constitution, but as well under the Ordinance of the Northwest Territory.

Mr. NORBECK. I did not understand the Senator, then. I thought the Senator was criticizing that Federal activity up there.

Mr. BLAINE. I am; and when I give the Senator the facts, I know that he, as an honorable Member of this body, will aid me in the denunciation of this arbitrary, autocratic rule which comes from the Capital of our Nation. I have the information here. Privileges under these Federal laws are bought by individuals, and I will show that as well. I think it is a mighty serious proposition.

I said that I would read a provision in this bill. It is the heart of the bill. It is the thing which proposes to preserve, to kill, and to slaughter, not to perpetuate, wild life. Listen to it:

Section 11, which, as I said, and I repeat, is the heart of the bill, provides:

That the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained—

For what purpose?

When, in the judgment of the Secretary of Agriculture, a sufficient surplus of said birds exists—

Then he may, by public notice, provide for the hunting and killing thereof. Yes; the primary purpose of the act is to establish a trap into which these innocent birds will be invited, fed, and bred until the time comes when the game hog will be privileged to build for himself a blind. I have criticism for that kind of sportsmanship. Imagine a strong-armed biped building his blind in the bushes of the lake shore or the marsh, covering himself with a camouflage of vegetation. Into that blind he goes with a Winchester or some other firearm, a repeating shotgun, double-barreled shotgun, or an automatic gun, and a belt of ammunition. Out on the placid waters he places the camouflaged ducks, the wooden decoys. Among them he plants the live Judases to seductively invite this feathered life of ours to alight within shooting distance of his gun. In the moment when this wild life, assuming instinctively that it has some protection, alights it is shot down, not for necessary food, not to sustain life, but for the mere purpose of killing, killing for sport. The bill is an invitation for those who have the money and the leisure to build their blinds, to bring in their decoys and their Judases, and to destroy for no other reason than sport, the joy of killing this wild life which has been preserved and protected by the Federal Government. It will have been fed and bred and induced to inhabit that refuge and that sacred place for the purpose of being killed.

Mr. NORBECK. Mr. President, if the Senator will yield—

The PRESIDING OFFICER (Mr. McMASTER in the chair). Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I yield.

Mr. NORBECK. I would like to ask him a question. I am anxious to arrive at the understanding of the Senator. I am not at all clear about it. Does he favor bird refuges without hunting? If so, we are not far apart.

Mr. BLAINE. I will make myself very clear on that point before I get through.

Mr. NORBECK. I want to call attention to the argument used in favor of shooting grounds. It is to give the average boy a chance to go into those shooting grounds instead of having duck clubs; that is, having millionaires and wealthy men acquire all the land around the preserves and do the slaughtering there.

Mr. BLAINE. I will answer that in due time.

Mr. NORBECK. The purpose of the bill is to give everybody a chance?

Mr. BLAINE. I think I will be able to answer that to the Senator's satisfaction.

Mr. DILL. Mr. President, will the Senator let me make a suggestion?

Mr. BLAINE. I yield to the Senator from Washington.

Mr. DILL. There is nothing in the bill to prevent those very millionaire hunters who are being talked about from going in and slaughtering all the birds they want to in these reserves.

Mr. NORBECK. But it is hard to say in a bill that a millionaire shall not have the same right as anyone else. The millionaire has a right now that nobody else has. The boys do not have that right now. The millionaire buys land right around these places and owns it. Under the bill it will be possible to have an area there that can be thrown open to the whole public instead of to the exclusive few.

Mr. DILL. If the Senator were sincere in his purpose, then he would agree to a provision that would limit the number of birds or ducks that anybody could take out of these reserves. As it is, they can take out 25 or 50 or as many as they want.

Mr. NORBECK. The Senator has been very desirous to have me agree to let a lot of foreign matter into the bill. If I permit that to go in, he knows the bill will be defeated, and I would rather be accused of insincerity than to kill the bill merely to please the Senator. I do not know that I have any objection to limiting the number of birds that may be killed on the preserve proper.

Mr. DILL. The Senator will agree to almost any kind of an amendment so long as we do not interfere with charging everybody for a license.

Mr. NORBECK. As long as we do not get any money to do business, the Senator is willing to agree to any kind of a bill we want.

Mr. DILL. And the Senator from South Dakota will not agree to a proposal to get money in any other way.

Mr. NORBECK. Because it has been tried and failed in the past.

Mr. DILL. I think it would be well to try it again. The Senate does not always in the first instance pass a bill which is satisfactory to the House.

Mr. NORBECK. But here is a bill which has passed both Houses.

Mr. DILL. This bill has not passed the House.

Mr. NORBECK. No; the bill that passed the House had no inviolate preserves provided for in it. This is a decided improvement over one of the bills that passed the House, providing a dollar license fee.

Mr. DILL. I do not think it will pass again. If the bill had come from the House and the Senator was then forced to accept the House provisions or nothing, there would be something in his position, but he insists that we do the way this bill provides or that nothing can be done.

Mr. NORBECK. Two years ago the Senator insisted that we could get an appropriation for other reserves. When we attempted to do it, and sent it over to the House, they killed it.

Mr. DILL. But we got an appropriation for a bird reserve in the Mississippi Valley of \$1,500,000.

Mr. NORBECK. We did that many years ago, and it is the only one we have.

Mr. DILL. We have not spent one-fourth of the money.

Mr. NORBECK. I beg the pardon of the Senator from Wisconsin. I shall not interrupt him again. I am really anxious to hear his discussion of the bill.

Mr. BLAINE. Mr. President, I know the Senator is perfectly sincere in the attainment of the object or the end he is seeking, but I fear that the Senator has misconceived the results which will flow from the enactment of the bill into law.

I think I shall be able to convince every reasonable man who believes in the preservation of wild life for life's sake—not for sport, but for the sake of wild life—that the bill is headed but one way, and that is to the destruction of wild life. I do not make that just as a mere declaration. I think I shall be able by logic, drawing from experience, drawing from the past, and pointing out the provisions of law, to establish that statement as true.

Mr. President, the taking of life may occur under certain circumstances. I am going to discuss this philosophy just a little bit, because it goes right to the foundation of the whole question of the conservation of wild life. The State may take human life in the carrying out of its penal laws under certain circumstances. I do not think that the State has any moral right to do it, but it has the legal right to do it. One man may take the life of another with justification in self-defense. That is according to the first law of nature. The individual has a right to preserve his own existence, and when that existence is threatened, when his life is threatened to the point of danger to him, he has the right to take the life of another. This is upon the theory of the right of self-defense, the right to preserve ourselves against the assaults and violence of other men. The taking of human life under those circumstances is, of course, justifiable.

Then there is justification for the taking of wild life under some circumstances. Mankind, being the superior order of life, has the right to perpetuate and conserve mankind in the interests of his own existence and the existence of the race and according to the design of the Maker. But that is a limited right. As I said, all life is precious. The man who crushes, wilfully or wantonly, the life out of a worm under his foot, unless that worm is a menace to mankind, is violating a moral duty. He has no right to do that. However, man may take wild life for certain legitimate purposes. Upon the theory of self-preservation he may take wild life for food. Food is essential to existence and for self-preservation. It takes the lower order of life to preserve the higher order of life under those circumstances, and there is justification for that.

There is justification to take wild life for raiment and protection upon the same theory and for the same reason. There is justification for a man to kill an animal, a bird which is edible, for the purpose of furnishing food for himself and his family as a matter of self-preservation, to take the furs, the wool, the feathers for shelter and raiment for mankind upon the basis of self-preservation. That is self-defense. But there is no moral right to take animal life for the mere purpose of killing. That is wanton killing, unless it is taken in self-defense or self-protection. Any other taking of wild life is not according to the moral law; it is not according to the design of Him who formed the universe, who placed in the air the birds, in the sea the fishes, upon the land mankind and other life.

There is another justification for taking wild life, though it is limited. There are certain forms of wild life which may be a menace to mankind. The justification for the taking of such wild life is self-preservation, self-defense. There is justification for the eradication of certain predatory animals and predatory birds and of certain insects.

It is justified upon the ground of self-defense, self-preservation, and sometimes for the purpose of counterbalancing what we call nature; but the justification is always on the ground of self-preservation and self-defense. Yet here is a bill that proposes to create, by the solemnity of an enactment through the sovereignty of a great Nation, so-called refuges, so-called sanctuaries, in the name of sanctuaries and refuges for the purpose of the feeding and breeding and propagating wild life to the extent where it may become so numerous that there will be sufficient surplus to kill and to slaughter for sport. That is going to be the result of this bill, if it shall be enacted into law.

Then the same section further provides:

Whenever the surplus migratory game birds decrease so that further public hunting on any such area * * * might prove harmful to the future supply of said birds—

This king of the wild, the Secretary of Agriculture, may stop the shooting and killing for such a period of time as there may be further feeding and breeding and propagating of game birds and wild life, again to be slaughtered, again to be killed for sport.

There is no Senator in this Chamber, I am sure, who is willing to risk his reputation for integrity, who will contend that there is any necessity for propagating and breeding wild life merely for the purpose of furnishing food. The farmers, led by the Senator from South Dakota [Mr. NORBECK], are complaining before this Congress, and have complained for many years, that there has been a tremendous surplus of food; that they want

either to reduce the supply of food or to find some way to dispose of the surplus. The contention, therefore, that we must conserve wild life to furnish sufficient food for our people, of course, is nonsense, in the face of the present situation. This bill is flying under false colors; it is not fair; it is not square with wild life.

The right to kill, as I have suggested, is a very limited right in good morals and in good conscience, and until the necessity arises that there must be killing—justified killing for food, for shelter, for raiment, for self-protection, for self-preservation—the great Government of the United States should not entice and seduce the migratory birds and animals of this continent into refuges, into sanctuaries, in order that they may breed and multiply so that men—"game hogs"—may have the opportunity to shoot, to kill for sport.

Section 11 is the heart of this proposed legislation, and not only the heart, but it is the lifeblood as well. The whole purpose of this measure is to conserve not for the sake of preserving wild life because it is wild life, but, I repeat, for the purpose of affording an opportunity to kill for sport.

I have pictured the biped who is so unsportsmanlike as to sneak into a blind and take unaware members of the feathery tribe which have been induced and seduced by the Judases of their kind into a death trap. As a great conservationist once said:

Under those circumstances, instead of the gun being in the hands of the man, the gun ought to be placed in charge of the bird.

Again, there are the brant and the wild goose which make their flight northward, especially through the Mississippi Valley, at this very season of the year, going to their summer haunts in Canada, there to feed and there to breed and there to reproduce and later, in the autumn, to make their return flight to more sunny climes. There are those who propose to establish refuges and sanctuaries to which the brant and the wild goose will be enticed and seduced in order that man may hide himself in a blind, camouflaging its appearance according to the color of the surroundings, and kill the brant and the wild goose which may have been induced by the Judases of their kind in captivity to light upon frozen ground. Thus those beautiful birds, some of which live for over a hundred years if they escape the rifle and the shotgun of mankind, are slaughtered, seldom for food, but usually for sport.

We propose by this bill to provide sanctuaries for these forms of wild life, the very highest order of the bird tribe, and entice and induce them into a sanctuary that their mating of half a century or more may reproduce their kind to be slaughtered, to be killed for one purpose, and one purpose only, so far as the present necessities are concerned, and that is for sport.

I concede that there are people in America, there are people in this country of ours, who need this wild life for food, and who ought to have this wild life for food; but this bill is not designed to give that great mass of our people that opportunity for self-preservation, the right to take this wild life for food. No! Those people never will get a look-in under the provisions of this bill.

Whom will the bill benefit? Before discussing that problem I want to have placed in the RECORD the wild life that is included within the terms of the treaty with Canada.

Under the treaty between the President of the United States of America, with the advice and consent of the Senate—the treaty having been ratified—and his Britannic Majesty, the King of Great Britain, done at Washington on August 16, 1916, these birds are embraced within that treaty:

Water fowl, including brant, wild ducks, geese, and swans. Of those, the ducks and the geese are game fowl. The swan is protected against any killing for any purpose under our present laws and the laws of the States over which these migratory birds fly in their flight north and south.

There are the cranes, including the little brown, the sandhill, and the whooping cranes. I think they are all protected under existing law against the violence of mankind.

There are the rails, including coots, gallinules, sora, and other rails.

Included within that treaty are the shore birds, including the avocets, the curlews, the dowitchers, the godwits, the knots, the oyster catchers, the phalaropes, the plovers, the sandpipers, the snipe, the stilts, the surf birds, the turnstones, the willets, the woodcock, and the yellow legs—all familiar, of course, to those who take an interest in nature and nature's denizens.

Included also within that treaty are the pigeons, including the doves and the wild pigeons. The only remaining ones of that feathery tribe are the doves. They are all protected under present and existing laws, both State and Federal.

Then come the migratory insectivorous birds—the bobolinks, the catbirds, the chickadees, the cuckoos, the flickers, the fly-

catchers, the grosbeaks, the humming birds, the kinglets, the martins, the meadow larks, the nighthawks or bull bats, the nut-hatches, the orioles, the robins, the shrikes, the swallows, the swifts, the tanagers, the titmice, the thrushes, the vireos, the warblers, the waxwings, the whippoorwills, the woodpeckers, and the wrens, all protected against the violence of mankind for any purpose.

Then come other migratory nongame birds—the auks, the auklets, the bitterns, the fulmars, the gannets, the grebes, the guillemots, the gulls, the herons, the jaegers, the loons, the murre, the petrels, the puffins, the shearwaters, and the terns. All have their place in this general organization of life.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. DILL. In connection with the list of birds the Senator is reading, I call attention to how strained is the decision of the court in supporting the migratory-bird treaty when it did it on the basis of conserving the food supply of this country. There is very little food supply in a lot of the wrens and orioles and puffins that are mentioned there.

Mr. BLAINE. I thank the Senator. The only birds furnishing justifiable food supply in that list are the brant and the wild ducks and the geese, under the treaty generally referred to as the treaty with Canada, the migratory-bird treaty.

Before entering upon a discussion of the extent to which our Government has fully performed its obligations under the treaty, I desire to have in the RECORD the fact that the treaty itself makes certain regulations relating to migratory birds.

Mr. TYDINGS. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I yield to the Senator.

Mr. TYDINGS. Is it not a fact that most of the States in the Union have now provided game sanctuaries, and also have very good and fairly complete laws dealing with that subject?

Mr. BLAINE. I think the Senator is absolutely correct.

Mr. TYDINGS. Is it not rather a duplication of effort to tax the people who already have to pay State taxes in taking out a game license and to compel them to take out a Federal license in addition to that? Does not the Senator really think that our efforts should be directed toward inducing each State to improve and tighten up its game laws, rather than to establish another bureau of the Government with hundreds—yes, thousands—of office holders, all to be paid for by the American people, which will expand beyond any limits we now anticipate?

Mr. BLAINE. There is no question about the correctness of the Senator's position on that point. I wholly agree with the Senator; and before I get through I am going to present, not merely my opinion nor the Senator's individual statement—I know both of them are valuable—but I am going to point out, I am going to give the record, I am going to show how the United States has more than fulfilled her obligations under that treaty; and, over and above that, the various States of the Union have gone far beyond any provisions of the treaty in the protection of these migratory birds.

Mr. TYDINGS. There are just two other observations I should like to make with which I am sure the Senator is familiar. I have no reference to the prohibition question except to illustrate what may be done by the treaty-making power.

The Senator will recall that we entered into a treaty with Great Britain which extended the limits of the ocean over which the United States has jurisdiction from 3 miles to 12 miles. That, in my opinion, is an abuse of the treaty-making power, because, under the guise of making a treaty with England, what we really did was to pass a local law for the United States; but one branch of the Government elected by the people had no voice in the enactment of that law, because the House of Representatives had nothing to do with the ratification of the treaty. If these treaty precedents are to be set up here and there, after a while we shall be able to pass any amount of laws under the guise of treaties upon which the representatives of the people will have no vote.

The second thing I should like to observe—and I am sure the Senator agrees—is this: While it may be very idealistic and very fine to establish game sanctuaries for the protection of game, it does seem to me, sitting here from day to day, that birds and incidental things in the Government are becoming more important than human beings. When our country was established, and our Constitution set up, we gave Congress only 18 general powers, among which was to provide a Navy, and provide an Army, and coin money, and regulate interstate and foreign commerce, and so forth. I should like to say to the Senator—and I think he is in accord with this—that every one of those subjects was an essentially national subject, and something

which no State could do for the whole Nation. Obviously, every State could not have its own Army, with 48 different systems; neither could it have its own system of money, because there would be no uniformity in things that were essentially national. But we seem to have departed from that philosophy, which has been learned on the battle fields of all time, and nowadays, under the authority to regulate interstate and foreign commerce, we use that power for everything that is not essentially national, and which, under close inspection, is found to be essentially local.

I believe that the only way to prevent the abuse of the power to govern in the hands of men, whether the governor be a king, a congress, or a general, is not to give that power; and, if it must be given, it should be so surrounded by checks and balances that beyond the scope of its proper use the ruling agency, whatever its form, has no power to go. But we have abandoned that and by this bill are still further surrendering our philosophy of government.

I would like also to observe at this time that our Constitution did not just happen to be. The men who debated for four months upon the question as to the form of government under which the American people should live did not just choose it in a haphazard way. They went back into all the ruined kingdoms and governments—Greece and Rome and France and Italy and Germany, and all of the governments that had preceded them—and they tried to establish here liberty for men, and liberty for birds was incidental. I do not mean to say that I am not in favor of protecting wild life, because I am, but I am not in favor of having the National Government made the policeman for every incidental activity in our national life.

I simply wanted to observe that this is just another one of the thousand and one bills that are coming here at every session of Congress to enlarge the scope of the National Government and lead us to turn our backs, as we will be doing, upon all the philosophy of the people who brought this Government into existence. I only wish that those who are impelled by these idealistic motives would look a little into history and see that what we are really doing is embracing all the sins and errors of the past, which have brought more than one government down to ruin, because there are so many branches and so many boards and so many commissions regulating the life of the people of this country to-day in every kind of activity of which you can conceive that hardly any man can do anything without consulting his lawyer first to see whether it is legal.

For my part, I do not intend to vote for any single, solitary bill that will expand one iota any of the powers we have already assumed here in Congress, unless they are essentially national matters, and contained in the 18 general grants of power set forth in the Constitution.

Mr. BLAINE. Mr. President, the junior Senator from Maryland has sounded a note of warning and a challenge. The impairment of the powers of our respective States is leading us headlong into an era of violation of law and of disregard for law. I referred to this briefly in the opening of this debate, that centralization—it is the history of the world—has always broken down the moral fiber of the people of nations until there were constant kicks against the pricks of government because more of a paternalistic nature was not done for them, and the people of those nations settled back into a state of indifference and unconcern about the government. Why should they not? It is the logical result. Their apathy was due to the very powers that governed them. They, having no responsibility, all responsibility having been taken off their shoulders, a government officialdom was set up for them to do that which the citizen ought to have done.

Mr. PHIPPS. Mr. President, will the Senator yield for a question?

Mr. BLAINE. Yes.

Mr. PHIPPS. I want to ask the Senator if he contends that there is no national feature in this question of migratory birds. Could all the States, acting separately, have brought about the results which have been accomplished through the treaty of August 16, 1916?

Mr. BLAINE. I think that the substantial accomplishments have been by the States and not by the Federal Government, and while it has become a Federal question because of a treaty, essentially it is not a Federal question.

Mr. PHIPPS. I think the Senator realizes that the treaty itself immediately resulted in the stopping of the taking of eggs from the nests of the migratory birds in Alaska, the great breeding grounds. No State could have accomplished that by treaty or understanding with Canada.

Mr. BLAINE. The Government of the United States could have stopped it so far as its territory was concerned.

Mr. PHIPPS. Yes; but not as to the other Alaskan territory, which was under the control of the Dominion of Canada.

Mr. BLAINE. I would assume that the Dominion of Canada would have taken care of it as readily locally as they did by treaty.

Mr. PHIPPS. But the Dominion of Canada could not enter into a treaty with any separate State; therefore it had to be national, as far as the United States was concerned. The result was accomplished, was it not, the stopping of the taking of the eggs from the nests for sale in commerce?

Mr. BLAINE. I do not know to what extent it has been stopped.

Mr. PHIPPS. To the very greatest extent possible.

Mr. BLAINE. But that does not affect the question I am discussing.

Mr. PHIPPS. I am leading to another question, with the Senator's permission. The Senator is aware of the fact that under the national law the open season on migratory birds has been limited, and the territory of the United States zoned in a way so that the shooting permitted is at the least objectionable seasons of the year. Is not that correct?

Mr. BLAINE. I was proceeding to demonstrate that our Government had fully performed its duties under the treaty, and I am going to proceed to that, and that there is no necessity now for the Federal Government extending its heavy hand over our States, and impairing the power of the States under the ninth and tenth amendments. We have performed our duty under the treaty, and so has Canada. Now, let us stop at that.

Mr. PHIPPS. But we have not gone as far as Canada has.

Mr. BLAINE. I think we have gone further.

Mr. PHIPPS. The main purpose of this bill is to do our share.

Mr. BLAINE. I think we have gone further. Canada is incomparably behind the United States with respect to bird refuges and sanctuaries, and I shall show that.

Mr. PHIPPS. If the Senator has that information, the Senator would be glad to have it. I do not wish to interfere with the course of the Senator's remarks, but I did want to call attention to this, the statement having been made by the junior Senator from Maryland that it was not a national question.

I contend, and I think the Senator would agree, that the States could not have separately limited the shooting seasons so that they would be in accord throughout the territory of the United States. They were not in agreement as to a maximum bag limit, which limit has been set by the Federal authority, and I think properly so; but with that maximum limitation, the States have made further limitations, reducing the numbers that may be taken in the bag limit, and restricting the number of days of shooting in many cases, and I trust the Senator will bear those points in mind in making his remarks.

Mr. BLAINE. I have all those points in mind. When I was interrupted by the Senator from Maryland and then by the Senator from Pennsylvania, I could not proceed. I am now proceeding to a discussion of that very problem.

Mr. PHIPPS. I thank the Senator.

Mr. BLAINE. I think I will be able to demonstrate to the Senator conclusively that we have gone far beyond either the public demands or the moral demands of the treaty on this question, and that we should not further trespass upon the police powers of the States, or impair those powers, because I think it is a dangerous tendency.

As I said, and I am going to repeat, this tendency for intermeddling in everything by Government, by officials, means that the Government must be responsible, therefore, for everything. Since the Government becomes responsible for everything, there is no responsibility left with respect to the individual, and he lapses into a state of indifference to a government that is so paternalistic that it has deprived him of every duty and of every responsibility, with the result that we can not and do not have the enforcement of law. There is no country in the world to-day that has the lack of enforcement that we have in America.

We have increased penalties. We have increased the number of spies and agents of government, and the greater the increase the greater becomes the number of offenses. I do not know how many spies we have in this America of ours. I do know, however, that the Government of Rome for a thousand years permitted her people to live under a system that made the individual responsible. For another thousand years, yes, for 11 centuries, Rome, with her 10,000 spies, was in decay and finally in a complete state of decadence. Any people that are spied upon; any people off of whose shoulders are taken the responsibilities of government, lapse into indifference as to their Government, because when government becomes so paternalistic as to do all, there is no further necessity for the activity of her citizens.

But that is not my objection to the bill. It may be a passing criticism of it. I am going to the fundamentals of the bill with respect to the question of the conservation of wild life and to demonstrate that, instead of it being a conservation measure, it is a measure promoting the destruction of wild life, not for the necessities of man, but for the unsportsmanship of some men.

There is no necessity for such legislation. The United States has fully performed its duties under the treaty. The treaty itself contains certain regulatory features which we need not repeat in any proposed measure for the alleged conservation of wild life. Article 2, section 1 of the treaty provides:

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murrelets, and puffins, and their eggs, for food, and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Those who designed the treaty did not design a system for the conservation of wild life to be killed for sport. It makes two justifications for the taking of wild life, and those are for food and for clothing. Those are the only justifications for the taking of wild life—self-defense, self-preservation—not sport.

Then it is further provided:

ART. 3. The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous closed season on the following migratory game birds, to wit:

Fan-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs): *Provided*, That during such 10 years the closed seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

ART. 4. The high contracting powers agree that special protection shall be given the wood duck and the eider duck—

I do not believe there is a State in the Union that permits the killing of either of those two species for any purpose at any time.

ART. IV. The high contracting powers agree that special protection shall be given the wood duck and the eider duck, either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ART. V. The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

ART. VI. The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited, except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation, from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

It will be clearly perceived that the framers of the treaty scarcely anticipated any necessity for any legislation. The treaty itself covers every proposition designed for the protection of wild life. All that was reasonably left for our Government to do or for the Government of Canada to do was by legislative declaration to enact the several articles of the treaty, so that they would have the force of law, and our Government has done that. Every single article in the treaty relating to the protection of migratory birds is written in the statutes of the United

States in almost exactly the same language as is contained in the treaty, so that we have fully performed our obligation under that treaty. The treaty makers understood the length to which Canada and the United States should go in the protection of migratory game birds. Those treaty makers throughout the treaty conceived the purpose and the only purpose to be that of conserving and perpetuating animal life for the necessities of mankind, food and clothing and shelter, and the effect of the treaty is to deny to the United States or Canada the right to permit this wild life to be killed for the sake of killing, just for sport as is designed by the pending bill.

ART. VII. Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall elapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

That article has been carried out. It provides for regulation with respect to the destruction of predatory birds. Then Article VIII provides:

The high contracting powers agree themselves to take, or propose to their respective appropriate lawmaking bodies, the necessary measures for insuring the execution of the present convention.

In compliance with that agreement, Canada has enacted its legislation and the United States has enacted her legislation.

I want to review that, so that I may show conclusively that the obligations which America owed under the treaty have been performed. I do not need to discuss the question of whether we had a right to make the treaty or whether it was a wise or unwise treaty; I am not concerned with that now; I may be concerned with it as it affects my philosophy of government; but the treaty is made and until that treaty can be undone it is a part of the law of the land. I am willing to conform to that treaty; I am willing to support legislation to carry out the terms of that treaty to the letter; but I am unwilling to go beyond our obligations in these premises and I am unwilling further to extend the power of the Federal Government for the purpose of creating shooting grounds in America to kill for sport migratory birds, protected by the solemn obligation of the Canadian Government and the United States.

MR. NORBECK. I am not sure I understand the Senator. Does the Senator contend that this proposed legislation tends to reduce the protection granted by the treaty?

MR. BLAINE. No; nor does it increase the protection. It is just merely a shifting of things to create shooting grounds.

MR. NORBECK. Then whatever protection the treaty affords for birds will still remain?

MR. BLAINE. I do not know whether or not it will, but I doubt it very much. If we shall set up these refuges and sanctuaries for the purpose of feeding, breeding, and propagating birds in order that they may be slaughtered and killed for any other purpose than designed by the treaty, it would be in violation of the treaty.

MR. NORBECK. The same limitations as to dates and bag limits which the treaty already prescribes will still prevail; in other words, there could be no birds shot out of season, and birds can to-day be shot on all the ground that would be affected by the treaty. Is not that true?

MR. BLAINE. I presume that is correct, but the bill will merely provide that more birds may be propagated to be killed for sport.

MR. NORBECK. Exactly so.

MR. BLAINE. And that is not a compliance with the spirit of the treaty; it is not a compliance with that which ought to be and I believe is the moral consciousness of the American people and of mankind.

MR. DILL. Mr. President, will the Senator yield for a moment?

MR. BLAINE. Yes.

MR. DILL. The Senator has made some examination of the Canadian situation, I take it?

MR. BLAINE. I have.

MR. DILL. Has Canada established any bird sanctuaries that have been opened to public shooting at various times as this bill will permit?

MR. BLAINE. I must be frank with the Senator and state that I am not so certain about that.

MR. DILL. My information is that Canada has not done that.

MR. BLAINE. I assume not.

MR. DILL. I do not know anybody who does that except private sporting clubs which fix up blinds and get the birds

tame, so that they may slaughter them. This bill proposes that the Government shall enter into that business.

Mr. BLAINE. Let me say to the Senator that the private sporting clubs and private game refuges are going to be the beneficiaries of the breeding and propagating of birds in Government refuges. I think I can conclusively show that to be the case.

Mr. NORBECK. I wish to say that Canada has provided both game preserves and shooting grounds.

Mr. DILL. But Canada has not provided shooting grounds in game preserves. She has established shooting grounds entirely separate from game preserves.

Mr. NORBECK. I shall look that up and answer the question later.

Mr. BLAINE. Mr. President, I presume since I made the statement that we have fully performed our duties under this treaty that I ought to proceed to demonstrate that statement to be correct. I have here the Code of Laws of the United States, which contains the laws in force on December 7, 1925. I will use the section numbers observed by this code, as it is the most convenient compilation of the statutes we have. We had laws on this subject before the treaty of 1916. I refer to section 701 of the code, which reads as follows:

Sec. 701. Game and wild birds; preservation.—The duties and powers of the Department of Agriculture include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is authorized to adopt such measures as may be necessary to carry out the purposes of this section and sections 391 to 394 of title 18, Criminal Code and Criminal Procedure, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this section is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of said sections, and shall expend for said purposes such sums as Congress may appropriate therefor. (May 25, 1900, ch. 553 sec. 1, 31 Stat. 187.)

That was the legislation enacted on May 25, 1900, and is general and broad. I also wish to suggest that under section 702 of the same code it is provided:

The Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

That act was passed in 1902. Then came the enactments designed to make effective the treaty. I will not read them at this time, but I will call the attention of the Senate to them.

Section 703, enacted in 1918, relates to taking, killing, or possession of migratory birds. It was enacted to carry out the articles of the treaty which I have read.

Section 704, enacted in 1918, provides when and how migratory birds may be taken, killed, or possessed.

Section 705, enacted in 1918, relates to the transportation or importation of migratory birds.

Then come the provisions with respect to arrest and search warrants. Chapter 9, section 391, of the Criminal Code in the same compilation contains penal provisions relating to the importing of injurious birds and animals and permits for foreign wild animals and specimens for museums.

Section 392 relates to the transportation of illegally killed game, shipments in game season, and feathers of barnyard fowls.

Section 395, which was originally adopted in 1900, relates to the dead bodies of game animals or game or song birds which are subject to the laws of the States.

Some of these criminal provisions preceded the enactment of the treaty, but on the whole the Federal Government has carried out, technically, every single obligation under the treaty. It has done more than that, for the spirit of the treaty has likewise been observed, not only by the Federal Government but by the respective States.

Mr. President, before entering upon a discussion of the performance of the obligations of the treaty in spirit, I wish to say further that the Federal Government should be limited and restricted to a certain field of activity—that is, the field with respect to interstate matters. It should not encroach upon purely local affairs. The Congress has conceived that to be the proper field for Federal legislation with respect to this

treaty and has enacted laws covering interstate shipments of all wild life embraced within the terms of the treaty relating to migratory birds. Those laws are complete. The Government has gone beyond that in its regulation of interstate commerce and under the powers of the treaty has regulated the shipment of wild life covered by the treaty in all respects, even providing that the shipments shall not be made contrary to the laws of any State or Territory, and that the shipment of wild life embraced within the terms of the treaty shall not be contrary to the laws of any Province of the Dominion of Canada.

Can you have a fuller, more complete compliance with a treaty than the United States has performed? It has embraced everything within the treaty. Our laws cover every conceivable project to carry out the terms of that treaty. Not a single thing has been overlooked, until within recent years some one has discovered that this treaty can be used, not only for the purpose of conserving wild life for the sake of wild life, but also for the purpose of establishing public hunting grounds to promote the killing and destruction of wild life.

To what extent has America performed in spirit every obligation of the treaty—not only every obligation of the treaty, but every purpose designed by the treaty? Every purpose designed by the treaty has been the preservation of wild life for the necessities of mankind—food, clothing, and shelter—not to establish shooting grounds and hunting grounds for the benefit of private clubs or millionaires. I am going to get to that after a while; but I want to go on further to show what America has done.

The Senator from South Dakota [Mr. NORBECK] the other day suggested that Canada had some extensive sanctuaries. Let me be accurate about this. How many sanctuaries did the Senator say were provided for?

Mr. NORBECK. Inviolate bird sanctuaries, 42, I think. A good many thousand square miles have been set aside by the Canadian Government as inviolate. They have others that are shooting grounds.

Mr. BLAINE. I understand the fact to be that the State of Wisconsin alone has more area of sanctuaries owned by the State for wild life than has the whole Dominion of Canada.

Mr. NORBECK. May I ask the Senator, is shooting entirely prohibited on those sanctuaries?

Mr. BLAINE. It is absolutely prohibited—shooting, trapping, or killing for any purpose.

Mr. NORBECK. At all seasons of the year?

Mr. BLAINE. At all seasons of the year and at all times.

Mr. NORBECK. That is on State-owned land in Wisconsin?

Mr. BLAINE. Yes.

Mr. NORBECK. The Senator realizes that other States have done very little along that line.

Mr. BLAINE. I realize that many of the States have done much. I realize that the State of Minnesota has gone far on this proposition, perhaps further than the State of Wisconsin. I realize that the State of Michigan has gone far on this proposition, perhaps further than the State of Wisconsin. I do not know definitely about that, but I am going to review what the State of Wisconsin has done.

Mr. NORBECK. Will the Senator state the acreage in Wisconsin on which hunting is absolutely prohibited?

Mr. BLAINE. I will state the most important ones. We have a lot of small preserves that I will omit.

The State of Wisconsin now owns the Devils Lake Park, consisting of 1,113 acres—a small territory, but a beautiful lake—situated within those granite-clad hills towering two, three, four hundred feet high.

Back upon those hills, wherever there is any soil upon which the mighty pine might find a grip, pine towers over those hills, back over the wooded ridges, making a perfect sanctuary for wild life of every kind; and, remember, Wisconsin is a gateway for these migratory birds. That is only a small tract of land, it is true, but it is important; for in the season, northward and southward, the brant, the duck, the wild geese there rest without molestation by mankind; and, all honor to the people of the State of Wisconsin, they observe inviolate the sacredness of that wild life.

I do not want a meddling, bureaucratic government, located a thousand miles away from home, selling privileges to private parties upon the public reserve and the sanctuary for wild life upon the public domain; and I will prove before I get through that that is what will happen. I have the testimony here. I have it from the Secretary of Agriculture. I had it first from citizens of my own State, and I will produce it. I am not criticizing from the standpoint of mere criticism, however. I simply want to demonstrate that when the long arms, the Federal tentacles far away from our localities reach out, there

is a temptation to misuse power because the government is far away from the people, and it is not responsive to the people, and therefore not responsive to public opinion. Public opinion, I think, is always in the interest of good government and always opposed to every form of corruption when that public opinion can once be given the facts, and an opportunity to act.

Mr. NORBECK. I was interested in the Senator's pursuing that question of acreage in the State. The Senator promised that he would give us a list of the main preserves.

Mr. BLAINE. Oh, I have not gotten through yet.

Mr. NORBECK. No; but I should like to know about what the total acreage is. The Senator has mentioned only 1,100 acres so far.

Mr. BLAINE. I am going to give it specifically. That is just one beautiful park.

Mr. NORBECK. Canada has done about a thousand times that much.

Mr. BLAINE. Oh, well, we have done several times that much.

Mr. NORBECK. The Senator stated that Wisconsin had done more than Canada, and I simply wanted to get the information.

Mr. BLAINE. I understood the Senator to say that there were thousands of acres of preserves in Canada.

Mr. NORBECK. I said there were 42 preserves there.

Mr. BLAINE. How many acres?

Mr. NORBECK. I can give the Senator that. The Senator must have known, because he asserted the comparison here.

Mr. BLAINE. I want to be accurate, so I am going to take the Senator's figures for it. I am going to assume that they are right. If the Senator's figures are right, then my statement may be incorrect.

Mr. NORBECK. As I get it, about 1,124 square miles.

Mr. BLAINE. How many acres is that?

Mr. NORBECK. I have not made the computation, but I shall be pleased to do so. It is more than a thousand sections of land, though.

Mr. BLAINE. How many acres—about 600,000 acres?

Mr. NORBECK. About seven or eight hundred thousand acres, I take it.

Mr. BLAINE. Perhaps we can not reach that amount; but I will give the Senator the facts and then the comparison will stand out. I understood from his statement that the amount in Canada was less.

We have the Nelson Dewey Park, consisting of 1,651 acres, located where the Wisconsin River empties into the Mississippi River, at a point that is a natural sanctuary for the migratory birds referred to in the treaty, and to which sanctuary those birds go. That is only a small tract.

Then we have the Peninsula Park, in Door County, with its 3,900 acres; and if the Congress will respond to the request of the State for the passage of a bill we will add another 2,000 acres to that.

Mr. NORBECK. Do I understand that the Senator favors the Federal Government buying more land up there?

Mr. BLAINE. No; the State is going to take it. The State of Wisconsin is not asking the Federal Government to buy land for these sanctuaries.

Then we have other parks consisting of 586 acres, 660 acres, 590 acres. Those are separate tracts, but they are located along or near the Mississippi River; and those are important sanctuaries for bird life. It is far better, if you please, to have small areas furnishing sanctuaries for birds than large areas to attract the birds there by thousands. They are better protected; they will breed and propagate and live without the destruction that will come to them through these larger areas and larger sanctuaries.

That is not all. We have the Brule Park, the forest lands of the Brule River of over 4,000 acres, in the very heart of the northern woods of Wisconsin.

We have the Idlewild Game Refuge of 1,100 acres, a most ideal location as a sanctuary. We have, in connection with that, 14,000 acres added to that sanctuary.

We have in the State of Wisconsin not only this Idlewild Game Refuge of about 1,100 acres, but, as I said, attached to that is 14,000 acres.

We have the Forest County Game Refuge of 42,000 acres, a sanctuary for wild life.

We have another sanctuary for wild life 9 miles wide and 16 miles long, containing almost 100,000 acres of land, in which area are included, I think, 42 of the lakes of northern Wisconsin, lakes of extensive area.

These tracts are located at the gateways of the main-traveled paths from Sault Ste. Marie and Hudson Bay and westward. I have seen these migratory birds in thousands in these very

tracts I have described, not a single one of which does the hand of man violate. They are just as safe within these sanctuaries as though they were a thousand miles back in the impenetrable forest.

Mr. TYDINGS. In that connection I would like to point out to the Senate that Chesapeake Bay is one of the largest bodies of inland water in the world. At the head of the bay, for about 4 miles south from where the bay begins and about 6 miles in width, are the feeding grounds, known as the Susquehanna Flats. All of the area of the Chesapeake Bay is a game sanctuary for wild fowl, ducks, geese, swan, and so on, except the rivers tributary to it and the Susquehanna Flats. It is probably one of the most frequented spots in the whole world for game of that kind. When we figure game preserves in land we should not overlook the fact that there are many, many square miles of water embraced in the Chesapeake Bay which is really a game preserve.

Mr. BLAINE. Are those sanctuaries owned by the State of Maryland?

Mr. TYDINGS. The State of Maryland has by law prohibited the shooting of wild fowl at any place on the bay except at its head for a distance of 4 miles, and on the tributaries that come into the bay; but the mass of the bay itself is used by ducks to feed in, and it is against the law to shoot them except at the head of the bay, and the area I have described, on the rivers and tributaries. I do not think that even Canada can point to a game refuge where more wild fowl congregate than the point I have mentioned, Chesapeake Bay, which is already protected by State legislation.

In that connection let me also say that Maryland is a very small State in area, but we have a game preserve there, and each year we send out many dozens of pheasant eggs, young partridges, and other kinds of game, all over the State. I can not see a bit of necessity for having the Federal Government come over into Maryland and tell us how to run our game preserves, what regulations we are to live under, and how much money we are to pay to the Federal Government, when we are making a pretty good job of it ourselves, if they will only let us alone.

Mr. BLAINE. Mr. President, I thank the Senator very much for the information.

Mr. TYDINGS. May I interrupt the Senator just once more?

Mr. BLAINE. I yield.

Mr. TYDINGS. The question has been asked me as to how long our season is, and it would be only fair to show another game-preserve measure in connection with that. The season for the shooting of wild ducks opens the first day of November and closes the last day of January. But it is unlawful to shoot wild fowl on the Chesapeake Bay except on Mondays, Wednesdays, and Fridays, three days a week, between sunrise and sunset, except in the month of January, when four days a week are permitted. But as Chesapeake Bay is usually frozen over at that point during the months of January and February, except for limited periods, it practically means that we have one good month of gunning, but only three days a week, and then between sunrise and sunset, and I would like to ask anyone favoring this treaty provision to point out where in all the Dominion of Canada there is a single law which prohibits the citizens of Canada from gunning for wild fowl every day in the week except Sunday on the gunning grounds they may have up there.

Mr. BLAINE. I am sure that other Senators could give the same testimony with respect to their States. I have no doubt but that the States of the Union, especially those located along the passageways and gateways for migratory birds, have ample sanctuaries, far beyond anything the Federal Government ever contemplated, far beyond anything that Canada has done.

I have reviewed just briefly what Wisconsin has done. In fairness to the Senator from South Dakota I will say that I had understood from him that Canada had only about 200,000 acres in sanctuaries, and I said that Wisconsin had as much. We have not as much as Canada has, if his figures are accurate to the effect that Canada has some 700,000 acres in sanctuaries. But here is one State alone that has close to 200,000 acres in sanctuaries for wild life, and in which wild life is not sacrificed. I dare say to the Senator from South Dakota that Canada has not a single sanctuary comparable with the sanctuaries of Wisconsin.

Mr. NORBECK. Mr. President, I challenge the correctness of that statement.

Mr. BLAINE. I want to say to the Senator that it would be interesting if he will submit to this body information respecting that. Remember that on these sanctuaries to which I have referred, located in Wisconsin, we do not permit shooting, kill-

ing, taking or pursuing sanctified wild life described in the treaty.

Mr. NORBECK. I want to say right now that that is true of the sanctuaries in Canada. I have not referred to those preserves that are shooting grounds.

Mr. BLAINE. Yes; but to preserves that are shooting grounds, and sanctuaries that are for breeding purposes which may be shooting grounds.

Mr. NORBECK. But which are not.

Mr. BLAINE. Any time during the year?

Mr. NORBECK. No; that is my information, that they make a distinction between shooting grounds and sanctuaries.

Mr. BLAINE. Do not those sanctuaries include national forests?

Mr. NORBECK. I can not tell the Senator what they include up there, but I can show him a map of them.

Mr. BLAINE. Let me point out what has been done in the United States along that line.

Mr. NORBECK. The statement of what Wisconsin has done is very interesting and I am proud of it for having done that. I wish other States would do as much. If there was more of it done, we would preserve the wild fowl from extinction. I want to say that even South Dakota has given hundreds of thousands of acres, but unfortunately there is very little of it that is adapted to migratory bird refuges, that is, marsh land. We have very little of that in our State.

Mr. TYDINGS. Mr. President, I wanted to point out to the Senator from South Dakota that the Senator from Wisconsin is exactly right in his position as to these game refuges up in Canada. To start out with, Canada has a population of only about 8,000,000 people. It has a tremendous area. Most of the population of Canada is down along the St. Lawrence River and along the Great Lakes, and if Canada had no game preserves at all, all the northerly and westerly part of Canada would be a natural game preserve, because there are very few people there except Indians and a few trappers.

Mr. NORBECK. I share the views of the Senator from Maryland that there is less necessity for game preserves in Canada than in this country.

Mr. TYDINGS. But the point I am making is that even though they set up preserves in Canada it does not really amount to anything, because the laws could be violated with impunity; there is no police force to arrest offenders in those forest reserves, and there is no center of population there. That is where the game goes to hatch the young. All the ducks, all the swans, all the geese, are not hatched in the United States of America. They go north in the spring of the year, and the young are brought into being in the northern part of Canada. That is where the greatest amount of protection is needed, and not here in the United States. What difference does it make if you kill a few birds after they have actually come to life, as compared with gathering eggs from the nests of those birds, as has been done, and was done until recently all over Canada? What good is it for us to protect a few birds that are living, if, when they fly back to hatch their young, the eggs are to be taken from them?

Mr. NORBECK. The Senator has said that the great hatching ground for birds is up there in Canada. I fully agree with him. But this bill does not deal with Canada. The only point I am making is that Canada has done its part, and I hope that before it is too late to save our birds in the United States we will do better than we have been doing in the past. We have the migratory bird treaty, which has been very helpful. It was signed by President Wilson and supported by this side of the Chamber. It was a mighty good beginning. This bill simply seeks to supplement that by providing that we may make inviolate certain preserves. That is the main purpose of the bill; in other words, to do in a national way what Wisconsin has done in a State way. I think the Senator and I have nearly the same view of the matter.

Mr. TYDINGS. But Canada is not asking us to do this.

Mr. NORBECK. Certainly not.

Mr. TYDINGS. We have a treaty with Canada. We owe no obligation to Canada that we have not fulfilled. This is but the work of a few people who probably have never been among birds and wild fowl in their lives, who have conceived an idealistic plan which will cost the people a lot of money, will unloose a horde of officeholders to go into States and participate in the activities of the States whether they are in accord with it or not, when already most of the States have set aside game preserves, and, in addition to that, have enacted laws which are constantly growing more strict. Why destroy the effect of that? I would say to the Senator from South Dakota that whenever the Federal Government takes complete charge of the game laws in my State and in his State,

he will find that there will be a movement to repeal the game laws of the States which are now on the statute books, because the restrictions will be so severe, perhaps, from the Federal Government, that the States will say, "Well, we will wipe our hands of it all and turn it all over to the Federal Government." I think what will really happen will be that the Senator from South Dakota will find that instead of the object of his bill being accomplished, in the long run the object of his bill will be defeated.

Mr. NORBECK. I would like to say that in my opinion we would have been pretty near out of migratory birds now if it had not been for the splendid beginning that was made 10 years ago through the migratory bird treaty and legislation in support of it.

Mr. TYDINGS. Mr. President, I would like to call the Senator's attention to the fact that I live next to one of the greatest natural game preserves in the world.

Mr. EDGE. Mr. President, will the Senator yield a moment?

Mr. BLAINE. I yield.

Mr. EDGE. Am I correct in gathering the impression from what the Senator from Maryland just stated that he believes that in the great duck area in the State of Maryland, and I agree with him that it is one of the best, in the East at least, there would have been more ducks at the present time if the Federal Government had not intervened and passed the migratory bird law?

Mr. TYDINGS. I was just about to anticipate the Senator's question. Ever since I have been living alongside the bay, which is about as long as I have been living anywhere, each year there has been a limitation on the number of ducks; but so far as I have been able to observe the number has been about constant. Ducks do not come to the same spot every year any more than people go to the same theater every night. Conditions of atmosphere and climate and the feed that they live on vary over the United States, sometimes bringing to us great numbers in one season, while in the next season we do not have as many.

But I would like to say to the Senator from New Jersey that I have on a number of occasions looked out on Chesapeake Bay and have seen 4 to 5 solid miles of white swan sitting in a single row. We can not kill a swan because there is a closed season all the year around on swan, and yet the swan, which is a very active bird, has dug tremendous holes in the celery beds on the Susquehanna flats and destroyed large quantities of feed, so that the ducks no longer come and use those particular spots as they once did, because the swan sits there all day long, unmolested, and doing nothing but digging up tremendous amounts of duck feed, which floats away down the bay and is destroyed. I believe that it would be an act of conservation to permit a gunner to kill two or three swan every year, and no gunner will kill more than a dozen, because that is one bird which has a very fine college education when it comes to eluding the hunter.

We can not compare this year with last year, but I would say in the main that the number of ducks has been as constant as we could reasonably ask, and that there has been no great decrease and no great increase. Some seasons there are lots of ducks, hundreds of thousands of them. Other seasons there are not quite so many. It is not due so much to gunning, but to the season, the condition of feed, the length of the season, and many other things.

Have I answered the Senator's question?

Mr. EDGE. Yes; very interestingly, indeed. I am glad to have the Senator's views.

Mr. DILL. Mr. President, will the Senator from Wisconsin yield to me a moment?

Mr. BLAINE. Certainly.

Mr. DILL. In the light of the discussion as to the amount of land used in Canada for refuges and reserves, I think it is worth noting that the State refuges in the United States amount to more than 30,000,000 acres of land. I get these figures from the Biological Survey.

Mr. NORBECK. Will the Senator enlighten us as to how much of that is suitable for the nesting of migratory birds?

Mr. DILL. I am not able to give the Senator a description of each piece of the land.

Mr. NORBECK. I asked that question when the Senator talked about it two years ago. What amount of it is suitable for the purposes of the pending bill?

Mr. DILL. I have not been able to go out and cruise the land.

Mr. NORBECK. My State has a very large area of sanctuary, but very little of it is suitable for migratory bird sanctuary, almost nil.

Mr. DILL. I notice there are over 7,000,000 acres of Federal refuges in the United States, making a total of almost 38,000,000 acres of land devoted to that purpose. Certainly out of that 38,000,000 acres there must be a few millions of it good for migratory birds, but because the ammunition makers a few years ago started a program to raise money to buy some more bird refuges and make some more public shooting grounds, and were intending to take it out of a 10 per cent tax on ammunition, which was later abolished, we have this hue and cry to put everybody in the country, who wants to hunt a little bit, under a Federal licensing system. There is absolutely no reason for it and there is no defense for it, in my judgment.

Mr. NORBECK. The Senator certainly did not mean to make that remark. The bill is not applicable to everybody.

Mr. DILL. It is applicable to everybody who wants to hunt off of his own land.

Mr. NORBECK. It is applicable to everybody who wants to hunt migratory birds.

Mr. DILL. The bill says if he shall attempt to hunt them.

Mr. NORBECK. So does the law in the Senator's own State.

Mr. DILL. We have to have a license in my State.

Mr. NORBECK. That is all the Senator would have to do under the provisions of this bill.

Mr. DILL. But the Senator's bill says only to hunt migratory birds. How will the game warden know whether a man is hunting migratory birds or hunting rabbits?

Mr. NORBECK. How does he know under the law existing to-day in the different States?

Mr. DILL. I do not know what the reason is, but I know that the existing law does not provide penalties if a man shall attempt to hunt them.

Mr. NORBECK. Yes, it does. That matter was thrashed out two years ago. We have very large game areas covered under the State laws.

Mr. DILL. The Senator may defend that proposition if he wishes to do so.

Mr. NORBECK. I am not defending it, but there is no use attacking this bill because of something we have had for 20 or 30 or even 100 years. This is not bringing that provision into effect again, because it is something we have had before.

Mr. DILL. There is a vast difference in putting into a Federal bill provisions that may happen to be in State legislation, because the Federal legislation should cover only Federal grounds, but the Senator's bill covers State, Federal, and everything else.

Mr. NORBECK. And so does the migratory bird treaty entered into 10 years ago. In other words, we have had for 10 years that which we are endeavoring to get under the terms of the pending bill.

Mr. DILL. Then why enact it again? Why not strike it out of the bill if it is so terrible?

Mr. NORBECK. I am perfectly willing to strike it out of the bill, except so far as it relates to bird preserves, and I have so indicated before, because that authority rests with the Federal Government and has rested there for 10 years under the Wilson Migratory Bird Act.

Mr. DILL. There is nothing under the Wilson Migratory Bird Act that requires people to take out a license to hunt.

Mr. NORBECK. That is true. That is why there has not been money for bird preserves.

Mr. DILL. We could get money if the Senator would work as hard to get the money as he has worked for the passage of this bill.

Mr. NORBECK. I have worked with the Senator in attempting to get money. I have supported every bill under which the Senator has wanted to get money since I came here.

Mr. DILL. The Senator will not agree to any such thing in connection with this bill, though?

Mr. NORBECK. I do not care to have the bill destroyed.

Mr. DILL. I think it would be saved. I think it is the only way the bill could be saved.

Mr. TYDINGS. Mr. President, will the Senator from Wisconsin yield again to me?

Mr. BLAINE. Certainly.

Mr. TYDINGS. I would like also to call the attention of the Senator from South Dakota, who is the author of the bill, that what the legislation really does is to prevent the poor man enjoying the benefit of the game refuges. Under our present treaty and under the laws passed in pursuance of that treaty a man can not sell any waterfowl that may be killed. The idea back of that is not a bad one if it is properly carried out; but what it really comes down to is that the man who wants to shoot has to have an outfit that costs from \$100 to \$2,000 or \$3,000. Not every man can afford to do that. Furthermore, he has to have a crew of at least one man for a

bushwhack boat, and if he guns out of a sinkbox he needs four or five. He has to have a cabin boat. It is the only way he can get any hunting on the bay. I would like to say to the Senator that very few working people, to illustrate, can afford to invest that much money in an outfit.

Mr. NORBECK. That may be true, but in our State they do not have to have those outfits.

Mr. TYDINGS. I am showing the Senator how the game law works out. I have seen people come into my State from New York and Philadelphia, gun on the flats, and kill the bag limit—which is 25 ducks per man—and take them out of the State. Men of means come down there every other day during the season; and yet the people of the town, who would like just once in a season to eat a pair of ducks, can not buy a pair of ducks to save their souls unless they violate the law, and yet they live in Maryland and live alongside the game preserves.

Mr. NORBECK. The Senator is complaining about the laws of his own State.

Mr. TYDINGS. No; that is the Federal law. I am discussing the Federal law.

Mr. NORBECK. That is not the thing I am complaining about. It is not a matter we have under consideration now.

Mr. TYDINGS. Yes; but the Senator is giving the board he creates the right to make rules and regulations governing game preserves, and that is what the other bill did. Under that authority the board made rules and regulations which really took the game out of the poor man's hands and gave to the rich authority to gun wherever and whenever he saw fit, and to do whatever he wanted with the game when it was killed. When we give a bureau the right to make rules and regulations, we give them the right to make law. When we gave them that right under the terms of the other bill, they used that right as I have just explained. It works out just like the prohibition law, letting the wealthy man get everything he wants while the poor man gets nothing.

Mr. NORBECK. Let us not get mixed up in a discussion of the prohibition question at this time.

Mr. TYDINGS. The philosophy of the thing is just the same. It is a law for one class of people who get what they want, while another class not so fortunate have very little or no privilege under it.

I want also to ask the Senator whether he does not think there are enough laws in the country now? I would be delighted to have some candidate for President issue a proclamation and name about 500,000 laws that he would have repealed. Do we want to put people in chains and make ninnies out of them? Do we not want them to have some self-reliance? Talk about the land of the free and the home of the brave—most everything in this country that goes to make a man happy is either unlawful or unhealthy. [Laughter.]

I think we have gone far enough. I think it is time for the Senate to quit delegating its authority to boards and commissions. If we must enact a lot of laws, let us do the thing ourselves and not turn it over to some one who probably knows nothing about the subject, but who issues thousands upon thousands of regulations respecting the liberties of the people.

Mr. NORBECK. During the last week the Senate passed a bill by a unanimous vote conferring that very kind of power.

Mr. TYDINGS. Not with my vote.

Mr. NORBECK. Nor with any protest.

Mr. TYDINGS. It is a brave flea that eats its breakfast on the lip of a lion. I have not been here long enough to reach the stage of protesting. I am just finishing my breakfast, being a new Member, and shall wait until lunch time comes along before I protest, and then I am going to do more of it.

Mr. BROUSSARD. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. Certainly.

Mr. BROUSSARD. I would like to ask the Senator from South Dakota a question. I think the United States has been divided into three zones, so far as migratory birds are concerned.

Mr. NORBECK. No; not under the bill now before us; only under the old law.

Mr. BROUSSARD. My understanding is that in the first and second zones; that is, the eastern zone and the middle zone, there are more birds than we have ever had before. Is that true?

Mr. NORBECK. No. The Senator has just asked for my opinion of the matter, and that is all I could give. I will say that the testimony before the committee has shown a constant decrease in birds except the last year. For instance, if we have a year of unusual rainfall, then more birds are destroyed in the United States than when we have better weather conditions, but there has been a gradual drainage of swamps and

polluting of waters, and it has been more difficult for the birds to find nesting places. That is the general condition.

Mr. BROUSSARD. Does the Senator mean breeding places?

Mr. NORBECK. Yes. There would not have been any necessity for a migratory-bird treaty had it not been for that fact. I think in most of the United States the game birds have been protected. I think legislation which has been adopted has tended somewhat to retard destruction.

Mr. BROUSSARD. I am not talking about what happened in the United States, because we have had a 25-bag limit all the time.

Mr. NORBECK. In some States they have less, of course. It is unequal among the States. That is the maximum under the Federal law.

Mr. BROUSSARD. I attended some sessions of the committee last year where it was admitted that there are more birds in the eastern and central zones than ever before. In the western zone it was explained that, due to some poison or other, the birds had been destroyed.

Mr. NORBECK. Due to low water, drainage of swamps, which meant alkali poisoning of large areas.

Mr. BROUSSARD. In the western zone?

Mr. NORBECK. Yes.

Mr. BROUSSARD. My understanding has been that in the eastern and central zones we have had more birds than we ever had before. That was my understanding a year ago. That is an increase under the present law.

I should like to ask the Senator this question: Why would not the Senator be satisfied to permit the acquisition by the Federal Government of the necessary resting places for birds and to appropriate the money for that purpose out of the Federal Treasury, instead of proposing, as the bill provides, to send game wardens and other Federal agents into every State of the Union to sell Federal licenses to those who may wish to hunt? In most cases, I think, that will discourage the enforcement of the State laws and the activities of the agencies set up in the States to protect game. In my opinion, in States such as my own, which have spent a great deal of money and have set aside many hundreds of thousands of acres of land for bird refuges where the birds may remain during the entire winter, the effect of this bill will not be salutary. The birds in the State sanctuaries are under the control of State wardens.

If we are going to permit Federal wardens to go into the various States and sell licenses to hunters, to disarm those who have not taken out Federal licenses, and to bring them to a Federal court, which in most instances, of course, will not be in the county where the offender resides, but many miles away, to answer a misdemeanor charge of violating the game laws, it appears to me it will work an unnecessary hardship.

Would it not be easier and much more convenient to everybody to appropriate the money in order to provide these resting places without requiring Federal licenses and sending into the several States an army of Federal game wardens and other officers to sell Federal licenses and to enforce the game laws? In my opinion, that will confuse the people, and will make it probable that the State law will be more easily violated by those who have Federal licenses. Would it not be easier to appropriate the money directly to do what the Senator in his bill aims to do, without imposing these licenses upon the individual citizens of the respective States?

Mr. NORBECK. Mr. President, I wish to answer the Senator frankly. I recognize his real sincerity in behalf of proper conservation. The Senator, I presume, wants to bring about a condition where more birds will be produced.

Mr. BROUSSARD. I do.

Mr. NORBECK. About 90 per cent of my concern is in regard to that very point. The question of enforcement is entirely secondary. It is always an open question how much of it should be done by the Federal Government, or whether the greater part of it should be left to the State.

We have to-day Federal game wardens who travel over the States. I have noticed when they come into my State that they have a stiffening influence on the local wardens and their presence tends to check violations of the law. There has been no objection to Federal game wardens so far. However, that is a minor thing; the main thing is to acquire ground for nesting places for birds. The Senator and I, I take it, are thoroughly in accord on that point.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORBECK. Yes.

Mr. TYDINGS. I should like to state to the Senator that just the contrary is true in my State. In Maryland we do object to the Federal Government sending its agents into the State to run our own local affairs.

Mr. NORBECK. South Dakota does not even object to the enforcement of the Volstead Act by Federal agents.

Mr. TYDINGS. I wish to say further that we do not object to the Federal Government providing an Army, providing a Navy, establishing a standard of money and coining it; we do not object to the Government punishing counterfeiting and establishing post offices and post roads, providing for a militia, instituting courts inferior to the Supreme Court, and doing what the Constitution provides that Congress shall do; but we do object to its meddling in every phase of our individual activities, because we feel we have just as much intelligence and just as much right to freedom as have the people of any other State. So that if we are forced to take this law or any other law which is outside of the general functions of the Federal Government, in effect, it is tantamount to saying that the Federal Government knows better than do the people of the States under what local laws they should live.

Mr. NORBECK. The Senator was not listening to me very closely—

Mr. TYDINGS. Yes; I was.

Mr. NORBECK. When I said that, I considered the main part of this question was the acquiring of ground for nesting places for birds. I have much less interest in the other points.

Mr. TYDINGS. The Senator is more interested in game than he is in the human beings who will be affected by this proposed law. I am more interested in the people than I am in the game; that is the difference.

Mr. NORBECK. I am simply trying to save the birds from extinction and to provide more birds for the people. The Senator can draw his own conclusion from that statement.

Mr. TYDINGS. What the Senator's bill would do is this: If a boy up in my end of the State, the northern part of Maryland, should kill a railbird or blue jay, a Federal officer would take him, although he was only 17 years of age, all the way to the United States court at Baltimore, while his poor mother and father were trying frantically to get bond so that he could get home. Then he would have to take his attorney down there and have a trial there, all because he killed a blue jay up in the northern part of Cecil County.

Mr. NORBECK. The Senator is an attorney and I am not. Let me, therefore, ask the Senator if that is not the situation under the present law, instead of a situation which will be created by the bill which I am advocating?

Mr. TYDINGS. And the Senator admits that his remedy for it is to have more of it instead of less.

Mr. NORBECK. My remedy is to have more preserves and to raise more birds.

Mr. DILL. And to hire more Federal game wardens.

Mr. NORBECK. The present Federal law compels one who is charged with an offense against it to go into the Federal court. I might say that this bill, in a way, eases off that situation by permitting the commissioner to deal with minor offenses.

Mr. TYDINGS. What commissioner?

Mr. NORBECK. The United States commissioner.

Mr. TYDINGS. Is the commissioner going to have to travel all around the United States?

Mr. NORBECK. If the Senator will read the bill—

Mr. TYDINGS. I have read it.

Mr. NORBECK. He will find that it tries to ease off the very situation of which the Senator is complaining.

Now, however, I will ask the Senator to permit me to answer the question of the Senator from Louisiana [Mr. BROUSSARD]. He has asked a plain question, namely, why we can not carry out the purposes of this bill by direct appropriation? That gets down to the meat of the bill. Nothing would please me better than to do it by direct appropriation, but progress along that line has been discouraging. A good many efforts in that direction have been made, but all except one have proven futile. A year ago we passed a bill to establish a large game preserve in Utah. That bill went over to the House and it did not become a law. We have felt that if provision were made for direct appropriations to carry out the terms of this bill it might fare very much like the forest purchase law. Under that law appropriations were authorized and a policy was established; the department goes out and secures options on this piece of land and that piece of land, but Congress fails to make the appropriations, and the contracts default. Then the department goes out next year and gets options at higher prices. The hope of those who advocate the Federal license provision of the bill is that it will establish a definite policy under which the necessary money will be available from year to year and that it will be practicable to operate under it. Do I make myself clear?

Mr. BROUSSARD. Mr. President, I wish to say—

Mr. TYDINGS. Mr. President—

Mr. NORBECK. Will the Senator from Maryland, please, let me answer the question of the Senator from Louisiana?

Mr. BROUSSARD. I wish to say, Mr. President, that I would be very glad to vote for an appropriation to provide resting places for game, but I am very much opposed to the creation of additional Federal agencies throughout the States. In my own State, as I am sure the Senator is aware, we have spent much money in providing resting places for birds, where they spend the winter and where they are protected. That has been done at State expense. I am very much opposed to permitting Federal game wardens to come down there and take control of the agencies which the State has created with its own funds and to enforce laws over which the State itself will have no control locally. I should be glad to vote for an appropriation to acquire all the property necessary.

Mr. NORBECK. If I could accomplish that purpose, I would not ask for anything more. If we could establish the policy and secure the funds direct with which to establish bird preserves, I would be entirely happy.

Mr. BROUSSARD. I am willing to go with the Senator that far.

Mr. NORBECK. I appreciate the sentiments of the Senator, and I realize that there is room for a difference of opinion; but I could not resist the temptation of calling attention to the fact—

Mr. BROUSSARD. I can not go further than I have indicated.

Mr. NORBECK. I understand that.

Mr. TYDINGS. Mr. President, I know the Senator from North Dakota is sincere about this proposition.

Mr. NORBECK. I am glad there is no difference of opinion on this side of the Chamber as to whether I am sincere or not.

Mr. BLAINE. Mr. President, I must decline to yield further. The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Wisconsin declines to yield further.

Mr. NORBECK. I think he is justified in doing so. [Laughter.]

Mr. BLAINE. Mr. President, my reason for declining to yield further is not because I want to object to the colloquy but I wish to conclude just a thought or two. Then the Senator from Kansas [Mr. CURTIS], I am sure, wishes the Senate to go into executive session, and I want to accommodate myself accordingly.

Before I leave this subject I wish to make these general observations: I have shown conclusively that our Government has met all the requirements of the treaty, and, indeed, has gone far beyond its requirements. It is clear that many of the States have gone much further than the treaty requires or than the Federal Government has gone. I understand from the Senator from South Dakota [Mr. NORBECK] that Canada has about 700,000 acres in preserves or sanctuaries for wild life. I contend that area thus provided by Canada does not compare with the areas set aside in the United States, even by comparison of population.

In Wisconsin alone, according to my understanding, and according to the Senator from South Dakota, the number of acres set aside is about 25 per cent or more of the area set aside by Canada for game sanctuaries. The Federal Government has established national game and bird preserves as follows:

The National Bison Range, the Wind Cave National Game Preserve, the Wyoming Elk Reserve, the Sullys Hill National Park Game Reserve, the Custer State Park Game Sanctuary, the South Dakota Game, Animal, and Bird Refuge, the Ozark National Forest Game Reserve, the Wichita National Forest Game Breeding areas, the Grand Canyon Game Preserve, and the Upper Mississippi River Wild Life and Fish Refuge, a total of 10 of the national parks, all of which are wild life sanctuaries or reserves.

Moreover, just recently there was passed by the Senate a bill, which was introduced by the senior Senator from Arkansas [Mr. ROBINSON], being Senate bill 2456, which provides:

That for the purpose of providing breeding places for game and fur-bearing animals, game birds and fish on lands in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified areas within said forests as game sanctuaries or refuges, which shall be devoted to the increase of game animals of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be parts of the national forests wherein they

are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests—

And it is provided that there can be no—

hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals for any purpose whatever upon the lands of the United States within the limits of said game sanctuaries.

The bill protects those national forests against invasion by man for the killing of wild life, and provides for sanctuaries many hundred times greater in area than Canada has provided. There are 19 national forests for wild life sanctuaries containing vast areas of land and water.

I am in favor of establishing such sanctuaries, but I want them to be inviolate. I am not in favor of establishing sanctuaries for the feeding and breeding and propagation of wild life designed exclusively, if you please, for the benefit of those who can afford the time and the leisure to enjoy them. Before I conclude to-morrow I think I can demonstrate clearly that this bill is to establish public preserves in America that will be as objectionable as were the game preserves created by the ancient régime in France. It is extremely interesting to know that the last great political battle waged by Premier Lloyd George of Great Britain before the World War was an attack, a campaign against the establishment of game preserves designed for the benefit of sportsmen who wanted conservation, not for the sake of wild life, but for the sake of shooting to kill.

I am in favor of sanctuaries that will permit the multiplying of wild life of every nature; but I want to give that wild life a chance for its life, an opportunity for its own defense. I do not want a game preserve or a bird refuge designed for the purpose of enticing these innocent creatures which are the friends of man to a place where they may be slaughtered.

To-morrow or at some future time before I conclude, I shall demonstrate conclusively that this bill is not designed in the interest of conservation; that it is a bill the title of which should read:

A bill to more effectively defeat the obligations of the United States under the migratory bird treaty with Great Britain by increasing the dangers to migratory game birds from game hogs and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the propagation of such birds for slaughter.

That should be the title of this proposed act.

I think I shall be able to prove conclusively that there can be no other result. I know it was not intended by the Senator from South Dakota; but I have shown conclusively that America has carried out every obligation of the treaty, gone far beyond that, and I think it will be as readily demonstrated that the purposes of this bill are as I have characterized them.

[At this point Mr. BLAINE yielded the floor for the day.]

Monday, March 26, 1928

Mr. BLAINE. Mr. President, some days ago in discussing the migratory bird bill I undertook to define in a rather limited way the right to kill. I had not meant by my former remarks to suggest what meat men should eat. There may be those who choose other flesh in preference to fowl or who choose fowl in preference to fish. If there are those who desire to set up sanctuaries to breed and feed migratory game birds for food, I submit that their project is legitimate. Hunting is a very ancient right, dating back to the days of Nimrod, and I think I am tolerant enough to grant to any man the right to eat what he pleases, drink what he pleases, wear what he pleases, worship his God in the sanctuary of his own choice, pray to his God in the language of his choice, and to do anything else that is personal to himself that does not trespass upon the rights of his neighbor and his community. I therefore do not mean to say that a man has no right to hunt for food because he chooses wild game in preference to the meat of domesticated animals, but I merely want to point out that the establishment of game refuges and game sanctuaries for the mere purpose of propagating, breeding, and feeding game to be killed and slaughtered for the mere joy and sport of killing, in my opinion, is not justifiable.

I have, I think, clearly demonstrated that there is no necessity for this proposed legislation; that there is no obligation upon the United States to go beyond the point which we have gone in carrying out our duties under the treaty with Canada. I am, therefore, to-day intending to analyze this bill for what it is and what it will accomplish.

Mr. DILL. Mr. President, before the Senator from Wisconsin starts on that branch of the subject may I ask him whether or

not he has made an examination of the present law under the migratory bird treaty?

Mr. BLAINE. Mr. President, I have.

Mr. DILL. Does the Senator find any necessity or need of added legislation to control the game situation beyond that which the present law provides?

Mr. BLAINE. Absolutely none whatever, and during the course of debate the other day I pointed out section by section and provision by provision how the Congress of the United States had in all respects performed its obligation under the migratory bird treaty.

The real purpose of this proposed act is not to conserve wild life. The purpose of it is to tax the people of the United States in order to create a fund with which to buy areas of land as sanctuaries for migratory game birds, not for their protection, not for their conservation, but to create public shooting grounds. We might just as well be frank about this subject.

Mr. NORBECK. I wish the Senator from Wisconsin would be frank—

Mr. BLAINE. I will be.

Mr. NORBECK. And state that 60 per cent of the area of the sanctuaries would be inviolate to all hunting.

Mr. BLAINE. Exactly; and section 11—

Mr. NORBECK. I asked the Senator from Wisconsin whether he would favor the bill if we would make the prohibition against shooting apply to the entire sanctuaries and permit no hunting on any of them. I have not had his approval of that suggestion. If I had, we might amend the bill to meet that objection.

Mr. DILL. Mr. President, let me suggest that there is not anything in the bill that provides which part of the sanctuaries may be used for public shooting grounds; whether it is to be along the side or down the middle; whether one portion is to be used one year and some other portion the next year. The bill leaves any part of the sanctuaries open for public shooting purposes or is so written that any part of a sanctuary may be open at any time.

Mr. BLAINE. To which fact I was going to call the attention of the Senator from South Dakota. I thank the Senator from Washington.

A committee amendment to section 11 provides:

That at no time shall less than 60 per cent of the total acreage of the areas so acquired be maintained as inviolate sanctuaries for migratory birds.

That of itself is a vicious provision; that of itself establishes a trap. Far better, indeed, would it be to throw the entire sanctuary open to hunting and shooting and killing. The very provision making no less than 60 per cent of the total acreage of the sanctuaries for migratory birds inviolate is to set a trap into which the migratory birds are to be induced and seduced. That provision of itself ought to condemn the proposed legislation. What the whole bill proposes to do is to create a trap, and the more acreage which is embraced in a sanctuary the bigger the trap which would be created for migratory birds.

The Senator from South Dakota well knows there are very few migratory game birds covered by the treaty that propagate within the United States, and as to all the others the sanctuaries will constitute but a trap. That trap is to be a sanctified trap. It is to be planted with food for migratory birds so as to attract them there, not that they may breed but that they may be shot and killed. The 40 per cent of the area that is not to be inviolate will constitute the public slaughter ground. That is what this bill proposes.

Mr. NORBECK. Mr. President, the Senator—

Mr. BLAINE. Just a moment. It is worse than that, if you please, for the entire area round and about the sanctuaries to such distances as migratory game birds may go likewise will be a part of the trap; it will constitute the outlying part of the trap; it will be the trap which the private hunting clubs of this country will use for private purposes, to the exclusion of the public. The sanctuary thereby becomes a part and parcel of those private shooting grounds; it is to be supported by public expenditures for the benefit of those who may be able to buy the adjoining land, and there establish blinds and places for hunting and shooting, from which area all other citizens are to be denied the right of ingress.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. BLAINE. I now yield to the Senator from South Dakota.

Mr. NORBECK. For the purpose of clearing up this matter, let me say that I recognize the Senator's sincerity upon this question. The Senator does not believe in game sanctuaries in the way others of us do. My view is that the only way to preserve migratory bird life is to have bird sanctuaries. The Senator called my attention to the fact that Wisconsin, his

home State, has done a great deal along that very line; that it has set aside large areas for bird sanctuaries; but, if I understand aright, he objects to the provisions of this bill on the ground that the establishment of sanctuaries will permit hunting outside the sanctuaries whether hunting grounds are allowed within the sanctuaries or whether they are not. I wish to ask if in the State of Wisconsin, under the very system which there the Senator recommends so highly, shooting is not permitted right outside of the bird sanctuaries by everybody, and if gun clubs are not established right around those sanctuaries—the very thing we are trying to avoid in this bill? I want to ask the Senator another question. Will there be one additional—

Mr. BLAINE. I can not answer several questions at once. Let me answer the question the Senator has asked before he asks me another.

Mr. NORBECK. Very well. I have asked the Senator one question; let us have an answer to it.

Mr. BLAINE. The migratory game birds covered by the treaty are not found generally adjoining any sanctuaries in Wisconsin. The birds are migratory; they do not stop anywhere, and if you want to hunt geese or if you want to hunt brant—

Mr. NORBECK. According to my understanding, the Senator took the position the other day that Wisconsin had done a great deal for this very purpose. Do I understand that it has done it for some other purpose, instead of protecting migratory birds?

Mr. BLAINE. No; the Senator is trying to twist my argument.

Mr. NORBECK. I am trying to get the Senator's view.

Mr. BLAINE. I argued the other day that Wisconsin has fully performed her duty and gone far beyond her duty under the treaty with Canada. She has gone as far perhaps as any other State. I say let her alone. I do not want to see the Federal Government with an army of game wardens step into Wisconsin and break down the splendid enforcement of the law that we have there. I say "keep out."

Mr. NORBECK. The Senator from Wisconsin will agree that the Federal Government at this time has a game warden who goes into Wisconsin, while the State of Wisconsin has 56 game wardens; that there is nothing in this bill that confers additional powers on going into Wisconsin; that if the Federal Government goes into Wisconsin, under this bill it will go in by the consent and the invitation of Wisconsin; and that is the only way it will get into Wisconsin unless it goes in under the law that is 10 years old.

Mr. BLAINE. I do not understand how this bill prevents the game wardens that are created under this law from going into Wisconsin.

Mr. NORBECK. But they operate under a law 10 years old when they go there.

Mr. BLAINE. If you enact this bill, the same five or six hundred game wardens that you propose to create by this bill can go into Wisconsin—

Mr. NORBECK. Now, be fair.

Mr. BLAINE. Wait a minute, now—they can go into the State of Wisconsin not to protect birds but to get votes, if you please.

Mr. NORBECK. Is that what game wardens are used for in Wisconsin? If so, I am glad to have the Senator enlighten us.

Mr. BLAINE. Your Federal officers are used for that purpose in Wisconsin. You know it, too. This bill provides—

Mr. NORBECK. It provides for their selection through the civil service, without any regard to politics.

Mr. BLAINE. Just wait a minute. I am entitled to answer the Senator's question. Here you have a whole army of game wardens—

Mr. NORBECK. There is no army provided for.

Mr. BLAINE. Wait a minute, now. I will not yield, Mr. President, until I answer the Senator's question. You provide for a whole army of game wardens. If the administration at Washington perchance wants a Mr. Hoover nominated for President, there is nothing in this bill to prevent this proposed army of game wardens from being sent into Wisconsin just at the proper time when the primaries are being held in Wisconsin for the nomination of delegates. There is nothing in this bill that will prevent that army of game wardens from going into Wisconsin just about the time the election is held in November; and I want to tell you, when you throw three or four or five hundred Federal officers into a State—

Mr. NORBECK. Why does not the Senator call it 5,000? He has just as much right to call it 5,000 as 500.

Mr. BLAINE. I will ask the Senator please not to interrupt me while I am making a statement. They can go into any State in the Union, and they become a powerful political machine.

I am going to discuss that question before I get through. I think I can fairly infer from the provisions of this bill how many game wardens are going to be provided for under the bill.

Mr. NORBECK. I call the Senator's attention to the fact that I have repeatedly suggested that I am willing to limit the number to 1 or 2 from each State, instead of the 500 or 5,000 that the Senator talks about.

Mr. BLAINE. I am talking about this bill. There is not any amendment before the Senate for any such purpose. Why, you have set up here a beautiful scheme for political manipulation, a beautiful situation, not to protect migratory game birds. I will say that if this bill were the law now, and had been for the last five or six years, it would have been a splendid scheme to have this army of game wardens going out into these various States where men were candidates for Senator, where the Democratic Party might have an opportunity to succeed, or where the progressive membership of the several States might have an opportunity to succeed—it would have been a wonderful scheme to have sent these game wardens into those States—to protect migratory game birds? No! To nominate and elect men favorable to the administration. It is a wonderful system you have here for the protection of predatory interests if the President or the administration wants to use the power that you are going to give an administration under this bill.

Now let me proceed to the analysis of this bill.

Here is a sanctuary purchased. We will say it is 100,000 acres, or we will say it is 10 miles square. Sixty per cent of it is inviolate. Forty per cent of it is a public shooting ground. Just outside of that sanctuary there are 40 miles of boundary line about which can be and will be set up private hunting grounds, encouraged by the establishment of this sanctuary—a sanctuary to which these migratory game birds are to be induced and seduced by feeding. That is what this bill does. I challenge the Senator from South Dakota to bring in here a bill that provides money out of the Treasury of the United States directly with which to buy these sanctuaries and make them inviolate.

Mr. NORBECK. Mr. President, does the Senator want me to respond to that challenge? Was it made in good faith for the purpose of having a reply?

Mr. BLAINE. You have the remainder of the session to bring out such a bill.

Mr. NORBECK. I thought so.

Mr. BLAINE. You may introduce it as an amendment to this bill, and I will vote for it.

Mr. NORBECK. Because the Senator knows that very few others will.

Mr. BLAINE. I trust the Senator has a little different opinion of my motives in this matter. I am not questioning his motives.

Mr. NORBECK. No; I will amend that, and I will say it is well known that it can not pass. There have been repeated efforts made to do that; so that is futile.

Mr. BLAINE. I do not know whether it can pass or not. That is not a reason why this bill should be brought out here, and a special fund raised at the cost of some 5,000,000 people in America, only a small portion of whom will have the opportunity to enjoy these hunting grounds.

Mr. NORBECK. Where does the Senator get his number of 5,000,000?

Mr. BLAINE. If the Senator will just let me proceed, I will get to that.

Mr. NORBECK. I challenge those statements; and I should like to show that they are wrong, but I can not break in. I will let the Senator proceed now.

Mr. BLAINE. The Senator will have an opportunity to disprove my statements when I get through. I am going to give the reasons for my statements.

Mr. KING. Mr. President, would it disturb the Senator if I should interrupt him at this point?

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. I left the Chamber a moment ago, in response to a telephone call; and as I was leaving the Chamber the Senator was animadverting upon the fact that this bill provided for a large number of game wardens to be appointed by the Department of Agriculture and by the Biological Survey, and that that army of officials might come from one section or various sections and might be thrust into States at the critical time to aid the administration that happened to be in power.

Mr. NORBECK. Mr. President, may I inform the Senator from Utah that I have just offered an amendment to the bill the purpose of which is to limit game wardens to the States in

which they reside; and there is also a civil-service provision under which they can not take part in politics.

Mr. KING. May I say to my friend from South Dakota that what he says about civil-service employees not taking part in politics is an illusion, because we know that many civil-service employees do take part in politics, and are a potential factor in elections. I congratulate the Senator upon offering that amendment, however. I think it is a proper one.

I was about to observe that we have now nearly 800,000 employees in the Government service, possibly more, the greater part of whom are under the civil service. The number is being augmented almost daily. New bureaus are constantly being created. I do not know how many will be created at this session. The President of the United States has recommended the creation of another department. That department, of course, will be the central cell, and will throw off other cells, and those cells still other cells, and there will be bureaus and sub-bureaus and agencies, all attached to the central cell known as the department.

The way we are progressing, in 25 years there will be from a million and a half to two million Federal employees. They will be found by the thousand in every State. In my State, with its limited population, there are now hundreds of Federal employees. They are concerned with every activity of the people. They go into their homes; pry into their business; and often seek to influence the views of the people upon economic, industrial, and political questions. We are literally suffering now from the evils of an omnipotent bureaucracy; and no government in the world is as tyrannous as a bureaucracy.

The Senator from Wisconsin has put his finger upon one of the evils in our Government to-day, because a bureaucracy in a democracy is the worst form of bureaucracy. I submit to the Senator that he is entirely right in his observation that the game wardens, if they are selected as the bill provides they shall be selected, would go into States where they did not live and many of them would actively participate in politics.

Does not the Senator think it is time that we should try to curb Federal bureaucracy, bring the Government back to the people, permit the States to enjoy the sovereignty which belongs to them, develop more local self-government and more individuality, and oppose this movement manifesting itself industrially and politically, which in the end must culminate in a powerful paternalistic and bureaucratic government, and in the growth of trusts and combinations in restraint of trade which will dominate the industrial and economic life of the people?

Mr. BLAINE. Mr. President, there is no question but that the tendency is exactly as described by the distinguished Senator from Utah. It does not appear to me that that tendency is making the strength of our Nation. I am convinced, as I said the other day, that when you take the responsibility of government off a people, off a community, when you relieve them of duties and obligations, you are destroying the sanctity of law, for there is no other sanction for law except that which abides in the people, and when that ceases to abide in the people there ceases to be sanction for law and you then have a government with the responsibility to do all things.

It has been the history of the world that when local responsibility has ceased, when community responsibility has ceased, when there is a public official at the heels of every citizen, commanding, intermeddling, the citizen then has become merely a minor cog and the Government no longer a government of the people but a government by a select few, and the sanctity of law and the sanction for law have ceased. I discussed that matter the other day. I know it can not be emphasized too often or too strongly. We are facing these problems not only in this proposed legislation but in other legislation past and presently proposed.

Here is a proposition to surrender a part of local self-government to centralized government, to surrender a duty and a responsibility of local self-government to the administration of a department operating through game wardens. The very dignity of our government in this proposal is being dragged down, and America and her institutions are becoming mere arms of the police power which should be exercised by the States.

Mr. President, as I said a few moments ago, if this bill were before this Congress making an appropriation out of the general funds for the purchase of these sanctuaries, stripped of all other objections, of course there would be little support for it, because we would not submit to taking money out of the general funds of the Federal Government with which to buy game preserves in the interest of public shooting grounds and private shooting grounds. Here it is proposed, however, with a strong arm to

collect the dollars from the little boys in blue jeans, from the farmers, from the workmen, from the small business men, from every class of our citizenship who choose occasionally to shoulder their guns, not in the hunting of these migratory game birds, but in the hunting of the game that is in their localities and near their homes. It is proposed that we taken those dollars and invest them in these sanctuaries, which I think I have demonstrated become public shooting grounds and the adjuncts of the private millionaire hunting clubs of this Nation, furnishing them a splendid opportunity to build their blinds and their traps around and about these sanctuaries, whereby they will be afforded an opportunity to kill for sport.

The proponents of this measure do not dare advocate a bill that will take money out of the Public Treasury for that purpose. It is proposed to take it from a large class who have but a small interest in the immediate purposes of this bill.

The other day a map was drawn showing the outline of one of the sanctuaries proposed by this bill. Its area was in length about twice its width. We will assume that it was 20 miles in length and 10 miles in width. Around and about that sanctuary, having a boundary of 60 miles, were located the private shooting clubs of that State and of that section, and that is exactly what is going to occur if this bill is passed, not only as to one sanctuary but as to every sanctuary and as many sanctuaries as the fund proposed by this legislation will purchase.

It therefore at once becomes apparent that these so-called sanctuaries will be nothing more and nothing less than traps into which the innocent wild life is to be enticed, and there fed and there bred, where there may be breeding, to supply hunting privileges upon those innumerable private reserves and private millionaire clubs around and about these public sanctuaries, and the few American citizens who have the time and the opportunity and the leisure and money to buy the equipment to make the trip, may be privileged to hunt upon a portion of these sanctuaries as public shooting grounds.

The great mass of the people will not derive benefit out of the establishment of these public shooting grounds. The greater benefits are going to enure to the private individuals who have the money and the time and the leisure to join the private hunting clubs, who establish the private game reserves, and they, throughout the entire open season for these game birds, will enjoy that which will have been furnished them by the great Government of the United States out of the pockets of those who can not afford either the time or the expenditure.

If that does not bring resentment, then I do not know the American people. It is proposed that we exact from them dollars in order to buy sanctuaries, and pay for their maintenance. Those dollars will be exacted out of the men who will not have the opportunity to enjoy, if there is enjoyment, those public shooting grounds. The millionaire, the man of leisure, is to be the beneficiary of these exactions.

Worse than that, here is a new proposal in America. It is almost the beginning of an attempt to exercise the entire police power that exists in the governments of our respective States. Anyone who has studied this problem knows full well that when the Federal Government once seizes a power, small though it may be—a power that trespasses upon the rights of the States, that trespasses upon local self-government—the time when that power is seized, no matter how small a portion the Federal Government may take, is the first step in the particular field so entered by the Government to occupy that field to the exclusion of the powers and duties and responsibilities of the State. That has been the history we have had in our interstate commerce legislation. It is a well-recognized principle that when the Federal Government once enters a field, if it has any power at all, the Congress of the United States will permit it to enter that field exclusive of all other power and all other jurisdiction.

If we permit the Federal Government to enter the field of policing game preserves in our respective States, policing the whole State—every acre of it—quite without regard to whether or not there is a game preserve in the State, it does not take any stretch of the imagination at once to appreciate that the next step will be to take control of our streams, our rivers, and our lakes, and all those ancient privileges of hunting and fishing, and whatever may be granted to the citizens will then come from the Government of the United States and not from the respective States. Therein, I think, lies the curse of this kind of legislation—the danger that threatens the very existence of our Union, as I have remarked, breaking down local and community interests, destroying local and community responsibility and duty until the citizens lapse into a state of indifference as to their Government, so that instead of the Government being made for the citizen the citizen is made

for the Government, and government at once becomes the enemy of her citizens.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I am glad to yield to the Senator from Utah.

Mr. KING. The Senator's observations exhibit a knowledge of the philosophy of government and of the irresistible movements, political and economic, manifesting themselves in the Republic to-day. The Senator is familiar with the attitude of many writers and professors who apotheosize the unitary system of government and look with indifference, if not hostility, upon our dual form of government. They say the gravitational forces of government are so powerful that they will draw to the central orb all local government and overwhelm if not destroy all appreciation of local responsibility.

The Senator has pointed out with clearness the fact that when the Federal Government enters the field of economic, industrial, or political activities it crowds out or submerges the sovereign States or the local government and assumes responsibilities which belong to the latter. The Senator has instanced a number of cases. May I call his attention to the fact that on the question of prohibition—and I do not mean to express any opinion in regard to that matter—when the Federal Government enacted the Volstead law and sent large numbers of officials into the States to enforce it some of the States who had enacted excellent prohibitory statutes which were being enforced with intelligence and zeal experienced a reaction which, in some instances, led to diminished zeal in the enforcement of State laws and in other cases brought almost to a standstill local enforcement. A feeling developed in some localities that the Federal Government had taken over the control of the liquor traffic and had assumed responsibilities which theretofore had been accepted by the States. I might add in passing that when a superior power or authority is invoked the lesser authority usually becomes less active and competent. Divided authority often weakens responsibility and effectiveness. Many States have excellent public health organizations which have accomplished great good in promoting sanitation and health. The Federal Government, with its itch and ambition for further authority and power, has reached out into the domain of the States and is more and more controlling the public health activities which appertain to sovereign States, and many people are not dissuading the Federal Government in its efforts to extend its activities into the States, but, upon the contrary, they are encouraging it so to do.

The result will be that if this Federal policy is continued there will be greater demands for Federal control of the entire Public Health Service of the United States. There are some who demand that our educational system shall be controlled by the Federal Government as was largely the case in Germany. The processes of Federal absorption of States and their political subdivisions is being carried forward with accelerated speed and apparently with resistless momentum. Most of the important measures in Congress seek to transfer from the States to the Federal Government authority and rights and obligations which belong to the States and to the people. The tenth amendment to the Constitution is disregarded and any challenge of Federal invasion of State rights is regarded as only within the domain of academic discussion and unworthy of this practical and utilitarian age. Rights which patriots struggled to secure are frittered away, indeed, are gladly surrendered to the central Government with its all-embracing authority and its unchecked—I was about to say imperial—power. In my opinion the great question before the American people is, "Shall the States be preserved?" Shall local self-government endure? Shall the school of democracy be permitted to live or shall our form of government suffer radical and fundamental changes which will result in a powerful central government unrestrained by constitutional limitations and exercising an unrestrained power?

In the days of Lincoln the question was, Shall the Union be preserved? The issue now is, and it is as important as the issue then raised, Shall the States be preserved? It has often been declared that this is an indestructible Union of indestructible States. It is as great a crime to destroy the States as it is to destroy the Union. No issue in the coming campaign should be more vital or more important than that raised by the question, Shall the States survive or shall local self-government endure? The pages of history record the rise and fall of nations. Liberal governments have degenerated into tyrannies and then have fallen. This Government should rest as a pyramid upon a broad base. If the people surrender their rights, if they are not trained in the school of local self-government, if they barter away the crown of State sovereignty for the glittering bauble of centralized power and authority, then if they are brave enough or thoughtful enough to look into the future they

will witness the consequences of inexorable laws and behold the ruin of a system of government which was the hope of the world. Aristotle chronicled the death of many nations which had come to untimely ends because of the centralizing forces which destroyed liberty and rendered the people incapable of self-government.

Nations have died from hypertrophy; they have taken the blood from the extremities; they have concentrated the vital fluid in the heart. The transfer of political authority from the people and from the States to Washington is not only dangerous but a deadly thing. It leads to the paralysis of the great cells of life and vitality. We must have more local self-government, more vitality and power in the smallest local subdivisions of the States. There must be more active participation by the people in their local affairs, more interest and zeal in their local governmental concerns; there must be developed a greater State pride and greater love of State and city and county and precinct and parish. There must be a love of home, and home ties must be strengthened, and the home must be the great spring of liberty and independence, the great fountain which will pour forth the waters of salvation for our political, economic, and cultural activities. There can be a despotism, though it bears the name of democracy. Perhaps there can be no more oppressive government than a bureaucratic one. The bolsheviks of Russia proclaim their devotion to liberty and claim that they are building a democratic structure. The fact is that the far-off cities and provinces and communities of Russia are within the powerful grasp of a despotic bureaucracy which is controlled by a few individuals sitting in the Kremlin in Moscow.

The Senator from Wisconsin [Mr. BLAINE] is doing the public a service in challenging attention to the growth of bureaucracy in the United States and the evils which must follow bureaucratic triumph and centralization of political power and authority in Washington. The States must not be destroyed. The line of demarkation separating them from the National Government must not be obliterated. This is a government of republics in a Republic, and the 48 republics may not be destroyed by the National Government. If our dual system shall be destroyed, if the gravitational forces draw the States into the arms of a mighty National Government, then the faith and hopes of those who believed that Republican institutions could survive will have been in vain.

Mr. TYDINGS. Mr. President, will the Senator yield for a short observation?

Mr. BLAINE. I will yield in just a moment. I want to stress, in connection with what the Senator from Utah has said, that I am not concerned about the destruction of mere abstract powers. What I am concerned about is the destruction of the duties, the responsibilities, and the obligations of the men and women of America. I think the Senator from Utah has analyzed the situation correctly, and that other governments had reached their decadence because governments persistently and effectually destroy the duties and the obligations and the responsibilities which rest upon the people in whom and in whom alone abide the sanction of the law. There is no other sanction for the law, and when the abiding place for that sanction has been destroyed by the removing of obligations and duties and responsibilities, then, of course, comes the destruction of a government. I am glad now to yield to the Senator from Maryland.

Mr. TYDINGS. This bill, if enacted into law, would create another bureau in the Government; and I want to draw to the Senator's attention an illustration of where the bureaus are leading us. As the Senator knows, we have a Bureau of Animal Industry. Among its various duties is the duty of inspecting meat which is shipped to the people from those killing steers and sheep and other livestock. I take no exception to this proper function. It so happens that last year in my State four or five small concerns wanted to go into the business of selling meat, and before they could go into that business they had to have certain plans for the building of their plants and certain machinery and certain restrictions surrounding their industry all approved by the Bureau of Animal Industry. This before they could sell a pound of meat.

That might be all right in places, but after these gentlemen had built their plants, installed their machinery, and had it all approved by the Federal Government, the Bureau of Animal Industry served notice upon them that they could not sell any meat anyhow. The question was naturally asked, Why? The Bureau of Animal Industry said that the Congress had failed to appropriate sufficient money to permit an inspector to be placed at those points where meats had to be inspected. But, these men said, "The big four packing establishments have between them upwards of 600 meat inspectors. We only require one

for all our activities. Is it not in the interest of justice that you take one of those inspectors away from the men who now have 500 or 600, because it will not hamper them much, but if we do not get at least one inspector we will be put out of business." The bureau said they were powerless to act and could not give them an inspector, because they wanted to place the inspectors where they could inspect the greatest volume of meat. Therefore after all the plants in question were constructed at a cost of many thousands of dollars, those men were told they could not actually engage in business when they had done everything that the law required them to do.

Finally, upon my own responsibility, I told the men to go ahead and sell the meat, because the delinquency was that of the Government and not theirs; that they had in every way complied with the law, and that, in my judgment, no jury in the world would convict them when the Government and not they was at fault. They went ahead and sold the meat. The first carload that went out of the State of Maryland into a neighboring State was seized by the policemen of the Federal Government, and those men were haled into court charged with the crime of selling meat which was not inspected by the Government. I immediately took the matter up again with the proper authorities, and I found that while they did not have money enough to supply an inspector for those meat plants they did have money enough to have four or five policemen to catch anybody who violated the law. I suggested that they do away with that one policeman and appoint one inspector with the money, which was done after a delay of over three months in permitting these small packing establishments to operate.

That is a sample of the way bureaucracy works in this Government. The idealistic views which are set forth in legislation, under rules and regulations and red tape and appropriations contingent upon the operation of the law, are not forthcoming, and the citizen is simply bound hand and foot. His natural and honest and competitive rights are taken away from him. For that reason I am very glad the Senator is going into the subject, showing to what bureaucracy leads, the loss of individual freedom, and showing the amount of control and regulation by a lot of people who very often are not in great sympathy with the thing they are regulating, but who simply want a political place. For my part I am ready and willing to leave a lot of these things to the people to settle as they want to settle them, and not have the Federal Government dipping into every activity from the cradle to the grave that surrounds the life and actions of human beings. I thank the Senator.

Mr. BLAINE. Mr. President, in the case to which the junior Senator from Maryland refers he must appreciate that his constituents were only about 40 miles from the Capital. Had they been 3,000 miles away, instead of taking three or four months to adjust the difficulty, it would have taken three or four years, and perhaps even then it never would have been adjusted. The idea of having government far away from the people is the very cause against which our forefathers struggled. I will discuss that briefly before I get through.

I was calling attention to the fact that if it had been the intent of the author, he could not have designed a more perfect scheme for encouraging millionaires' private hunting clubs and game clubs than this bill provides. I think I have shown very clearly that if the bill shall become a law, the bird sanctuaries will not only provide public shooting grounds for the few who can afford the time and leisure but they will afford a source of replenishing the supply of wild life and game on the private hunting grounds and millionaire gun club preserves. I am not saying this merely upon my own opinion. I think it clearly appears to anyone who has made an effort to understand the tendencies that flow from this kind of legislation, that the very condition I have discussed is precisely the one that is going to prevail. I have in my hand a letter written by Professor Shimek, professor of botany, curator of the herbarium of the State University of Iowa, dated Iowa City, Iowa, March 17, 1928. I am informed by the Senator from Iowa [Mr. BROOKHART] that Professor Shimek is a man of integrity, one who has thought long and seriously on the question of conservation of wild life, whose opinion is worthy of consideration, and whose word may be regarded as the expression of an honest motive. Let me say that this letter was written to the junior Senator from Utah [Mr. KING], and with his consent I shall read it, so that it may be made a part of my remarks. Writing to the junior Senator from Utah, Professor Shimek states:

The so-called game refuge bill (Senate bill 1271 and House bill 5467) is before Congress again, and, if my information is correct, it contains all the old objectionable features which were previously urged under the pretense of "conservation" and "sport."

Under the plan of a dollar "license" the many are expected to furnish shooting grounds for the few. The many surely can not find sufficient game in the "refuges" (?) that could be provided with funds so raised, even if they could afford to travel great distances to visit the grounds.

Any plan which sets up a tract to which game—especially migratory birds—is enticed and then slaughtered by the privileged few is vicious and unsportsmanlike. It will only hasten the total extermination of game, and it is in no sense a conservation measure.

Instead of this, the Government should purchase scattered tracts—not necessarily large—largely in the path of the migrations, which would serve as real refuges, where migrating birds would find feeding and resting places in their journeys, and where local game could breed. Even if the present bill is passed and traps are created in the form of hunting grounds, the Government should secure well-chosen areas which would serve as inviolable game and wild-life refuges. That would be a proper function of the Federal Government. The providing of mere hunting grounds is not.

It is a rather disheartening situation, Mr. President, that we who know that the sanctity of and sanction for law abide in the people must spend hours of time and energy in debating a bill under which it is proposed that the United States shall create hunting grounds. Of course, it is the right of any Member to introduce a bill, and then it becomes the duty of Congress to consider any measure that may be presented; but I am surprised that a measure should find its way into the Congress that proposes, at the expense of the people of America, to establish public hunting grounds—public hunting grounds to serve as adjuncts to the private hunting grounds of millionaires and men of leisure. But there is more than that involved in this bill. If nothing else were involved, I might waive that; but, in addition to establishing public hunting grounds, vicious and unsportsmanlike as that is, as Professor Shimek says, when it goes beyond that and undertakes to destroy the duties and responsibilities and the obligations of local self-government, then, of course, we who believe that the sanction for law and the sanctity of law abide in the people must exert our energies and our time in opposition to that feature of the bill.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. I trust the Senator, if it will not disturb the continuity of his remarks, will elaborate the suggestion as to the Government taxing the people for the purpose of establishing hunting grounds? It strikes me, if I may say so in the Senator's time, that it is unconstitutional for Congress to levy taxes upon the people to furnish hunting grounds for people who desire to hunt migratory game. It would be as great an abuse of the taxing power as it would be to furnish croquet grounds for those who desire to play croquet or golf grounds for those who desire to play golf or fishing grounds for those who wish to fish.

If there is any obligation arising under the treaty which the United States has with the Canadian Government, it is merely to protect the migratory birds named in the treaty. It may be—and yet it is stretching the power of the Federal Government—that the Federal Government may constitutionally acquire ground for game-refuge purposes and impose taxes upon the people for that purpose. I have conceded heretofore in the debate and I will concede now for the purposes of the debate that the Federal Government may acquire sanctuaries for the birds that come within the Canadian treaty; but I have never been able to see where the authority existed for the Federal Government to buy shooting grounds or to furnish shooting grounds for hunters or anybody else. It seems to me to be an abuse of the taxing power and a usurpation upon the part of the Federal Government to tax the people of North Dakota, South Dakota, Wisconsin, or any other State in order to furnish shooting grounds for the happy hunters or those who would like to be hunters, in such States or in other parts of the United States. I shall be glad if the Senator would give his views as to the constitutionality of measures to tax the people to obtain moneys to purchase "shooting" grounds.

Mr. BLAINE. Mr. President, under the Constitution, of course, Congress can not appropriate money except for a public purpose; there can not be a single dollar taken out of the Treasury of the United States except for a public purpose. The expression "public purpose" embraces rather a broad field; and it was only a few moments ago that I was challenging the Senator from South Dakota to present here a bill that would enact into a law a provision whereby public money was to be taken from the Public Treasury to buy hunting grounds.

Those who are back of this bill do not propose to come to Congress with a proposition of that kind and face it squarely;

so they provide "that the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained"; so they come in through the back door in order to get this money and in order to give this legislation some stamp of character as a valid enactment. They do not proceed directly and through the front door to take this money out of the Public Treasury and buy public shooting grounds. They propose it by these indirect methods, and camouflage it with the suggestion that it is in the interest of conservation; and, as Professor Shimek has said, speaking of this bill:

It will only hasten the total extermination of game, and it is in no sense a conservation measure.

Continuing reading from his letter, he says:

If this bill passes, there will be an inevitable increase of cost of maintenance and supervision which will not be fully covered by the license fund. That means that the Government is to help in providing sport for a favored few at the expense of the many, and by doing so will materially hasten the destruction of our wild life.

Under this law, if enacted, another tremendous increase in power will be given to a Government bureau. The police and even law-making powers for which the bill provides would mean a long stride toward complete bureaucratic control of our Government—a danger even now all too evident.

And he, too, sees the danger lurking in this kind of legislation.

The plan contained in the bill has always had the backing of the large arms and ammunition corporations.

That is a matter to which my attention had not been directed. He is, no doubt, correct in his statement. This idea of encouraging the feeding and breeding of more game birds, of course, means the selling of more arms and more ammunition with which to kill living things for sport.

Continuing:

and of that class of "sportsmen"—

He has quoted the word "sportsmen"—

who have the means and the leisure to travel to the shooting grounds, and who are urging that some one else provide cheap sport for them. In both cases the motive is purely selfish, and the effort to represent this as a "conservation" measure is a mere pretense.

I can read nothing else in this bill than a thing that mocks at conservation, clothed in hypocrisy, and if enacted into law is to be carried out in providing cheap sport at the expense of the American people.

He further says:

The inevitable conflict between the Federal and State authorities in the efforts to enforce the game laws, and the power which would thus be given to a Government bureau to determine State policies in this field, should also be considered. The difficulties which arose between State and Federal authorities in connection with the Upper Mississippi Wild Life Preserve—

If the Senator from South Dakota will now give me his attention, I shall not have to repeat what I am going to say about the Upper Mississippi Wild Life Preserve.

Mr. NORBECK. If the Senator from Wisconsin will permit me to answer his questions when he asks them, he shall certainly have my attention.

Mr. BLAINE. The Senator will be given an opportunity to answer them.

Mr. NORBECK. I hope the Senator will not address questions to me unless he wants them answered.

Mr. BLAINE. I have not addressed any questions to the Senator except in a general way. I can not ask a question of these chairs, benches, desks. I have to ask a question which may be answered by the Senator from South Dakota or some other Senator.

Mr. NORBECK. Without joking at all, I shall be delighted to answer the Senator's questions. I want to be helpful in clearing up any matter that may be ambiguous. If the Senator asks questions for the purpose of having them answered, I shall be delighted to try to answer them.

Mr. BLAINE. I have not asked a question that I do not want answered.

Professor Shimek refers to the difficulties which arose between the State and Federal authorities in connection with the Upper Mississippi Wild Life Preserve. He says they "are sufficient to show that these fears are not unfounded"—that is, the conflict between State and Federal authority.

Mr. NORBECK. Mr. President—

Mr. BLAINE. Wait a moment, until I get through with this—

In the present case the dangers of conflict, moreover, would undoubtedly be greater because of the wider exercise of police powers which would be necessary on "public" (for those who pay) shooting grounds.

Now, I am going to conclude reading this letter, so that it may be in the RECORD in a consecutive way, and then I will discuss the Upper Mississippi Wild Life Preserve.

In conclusion I wish to warn you against the recommendations of certain organizations which, while making a pretense of conservation, are in reality helping the special interests to which I have referred by supporting this bill. The bill is not a conservation measure, and it should not be called a "game refuge bill," but rather a "game trap bill" or "game slaughterhouse bill."

I request and urge that you oppose this bill, and particularly those features herein discussed.

There have been some difficulties, and mighty serious ones, with respect to the Upper Mississippi River Wild Life Refuge. There is bound to be conflict between the Federal Government and its citizens, especially when there are certain rights and duties and obligations upon which the Federal Government has been trespassing with respect to our States and our localities. There was created by Congress what was called the Upper Mississippi River Wild Life and Fish Refuge. When the matter was called to the attention of the Wisconsin Legislature it was my privilege and honor to be the governor of our State. The Federal Government wanted blanket power in that valley. I conceived it to be the duty of the chosen representatives of our State to preserve whatever rights the State and her people had on the western boundary of our State. It was my privilege to write the law that gave the Federal Government consent to acquire the land in that valley, and I thought that I had preserved the rights and duties as well of the people of my State; but I have found since that I was mistaken. I had assumed that every conceivable situation that might arise was taken care of, and that there could be no trespassing either upon the laws of Wisconsin or the rights of her citizens; but I have found in the last year that I was mistaken.

I could not at that time have conceived that a Federal department in the city of Washington would create a situation which in effect is a conspiracy to defeat conservation of wild life in Wisconsin. I have found to my disappointment that the Department of Agriculture has defeated and is defeating Wisconsin's efforts in the conservation of wild life in that valley.

There are those who have bought privileges from the Government of the United States through the Department of Agriculture; and I want to say now, in passing, that whenever a government becomes autocratic and bureaucratic you may expect that it will sell privileges, and you may expect that those who can afford to do so will buy privileges from that kind of a government. Bureaucracy and autocracy invite special privileges.

Whenever a department once gets power, it desires to grab more power. Once there is placed in the hands of a department of the Government just a semblance of power, its appetite for more power and more power increases with the meat upon which that appetite is fed. That meat is to constantly grant more and more power.

It has been the history of autocracy and bureaucracy to extend their hands wider and further into the realm of administration, until the departments have embraced all the power that may reside in a centralized government, with the result that that kind of bureaucracy and autocracy is responsible to no one. It certainly is not responsible to public opinion. It is not even responsible to the consciousness of good morals. In order to reach it the process is a long one. There is no single individual who can make the fight; life is too short. So the people become apathetic and indifferent, and then there are privileges purchased by those who have the money and whose interest it is to purchase those privileges.

Section 1035 of the statutes of Wisconsin of 1927 provides, in giving consent to the purchase of the area in the Mississippi Valley acquired for a wild-life refuge, as follows:

(2) The consent hereby given is upon the condition that the United States shall not by an act of Congress or by regulation of any department prevent the State and its agents from going upon the navigable waters within or adjoining any area of land, or land and water, so acquired by the United States, for the purpose of rescuing or obtaining fish therefrom; and the State shall have the right to construct and operate fish hatcheries and fish rescue stations adjacent to the areas so acquired by the United States; and the navigable waters leading into the Mississippi and the carrying places between the same, and the navigable lakes, sloughs, and ponds within or adjoining such areas, shall remain common highways for navigation and portaging, and the use thereof, as well to the inhabitants of this State as to the citizens of the United States, shall not be denied.

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. BLAINE. I yield.

Mr. KING. Is that the amendment which the Senator proposes to offer to the pending bill?

Mr. BLAINE. No; this is what was written into the enabling act by the Wisconsin Legislature with reference to the upper Mississippi Valley wild-life refuge. I am quoting this so that I may show what results from administration by and through a bureaucracy.

Mr. KING. I regret to learn that the Interior Department is now supporting a doctrine which is hostile to the rights and prerogatives of the States and opposed to principles accepted by the American people from the foundation of the Republic. It is claimed by this department that the Federal Government owns, or at least controls, all navigable streams and the beds and banks thereof. Indeed, as I understand its position, it goes further, and with respect to nonnavigable streams it claims that the Federal Government controls them and their waters, particularly in the public-land States. The famous case of Pollard against Lessee, decided by the Supreme Court of the United States more than a hundred years ago, announced the doctrine that the States held in trust for the people the streams and waters within their borders, and that the authority of the Federal Government extended only to navigable streams, and then only so far as was necessary to prevent interference with navigation. This position of one of the departments of the Government illustrates the movement for Federal control over the domestic and internal affairs of the States. The States are the owners of the beds and banks of navigable streams, holding them in trust for the people, and the States have the right to establish the riparian doctrines with respect to water and water rights or the doctrine of appropriation such as prevails in most of the Western States. The adoption of the views of the Interior Department would be an assault upon the integrity and the autonomous sovereignty of the States.

Mr. BLAINE. I want to suggest, so that this matter will appear clear, that in writing these provisions in our laws it was my purpose to conserve the rights of the people of Wisconsin and of the citizens of the United States under the ordinance of the Northwest Territory. It was further provided:

(3) The legal title to and the custody and protection of the fish in the navigable waters leading into the Mississippi River and in the navigable lakes, sloughs, and ponds within or adjoining such areas in this State, is vested in the State, for the purpose of regulating the enjoyment, use, disposition, and conservation thereof.

It would appear that in drafting that legislation the question of the protection of fur-bearing animals was overlooked. It was not overlooked. It was assumed that the laws of the State of Wisconsin would protect them. Let us see what has happened under this bureaucracy.

The Secretary of Agriculture was authorized to purchase these lands in the Mississippi Valley, beginning at some point below the southern boundary of Wisconsin and extending north about 300 miles, at an average rate per acre.

Mr. KING. Not to exceed \$5.

Mr. BLAINE. I think it was \$5.

Mr. KING. Not to exceed \$5.

Mr. BLAINE. Not to exceed \$5. The Secretary was unable to purchase some of the land at \$5 an acre. In the purchasing of other acreage he purchased it at less than \$5. But there was a very large tract of land, and a very desirable tract, I might say, which he desired to purchase, but which he could not purchase within the \$5 limitation.

I do not charge the department with corruption, nor do I charge the man who sold the land with any improper motives. I am simply charging that that which the Secretary did in this instance could never be done under State legislation under the influence of public opinion locally. But this situation that is created presents a condition whereby those who are interested are helpless.

The Secretary of Agriculture can not be removed. I am not speaking of the present Secretary; I am speaking of the department. I am not accusing any man or any individual. I am speaking of the bureau which has the power. What power did the Secretary exercise? He purchased that land and gave an exclusive privilege to one individual for the taking of two of the most valuable fur-bearing animals in the United States, the exclusive right to take muskrat and mink upon thousands of acres of land.

Mr. KING. For how long?

Mr. BLAINE. A 10-year period.

Mr. KING. Does the Senator say that is one of the conditions annexed to the deed by which the Government secured the land?

Mr. BLAINE. I said that it appeared that we had overlooked, in the drafting of the enabling act, the protection of fur-bearing animals. It had not been overlooked, because we had assumed that the laws of the State of Wisconsin were sufficient without any reservation, and therefore there was no reservation made, with the result that one individual has the exclusive right for a 10-year period to take the muskrats and the mink from something over 5,000 acres of land, the richest mink and muskrat breeding and producing area in the United States.

Mr. KING. Will the Senator yield?

Mr. BLAINE. Let me add right here that the land was sold for less than the value of it. The individual who received this exclusive right had made the proposition to accept a certain amount per acre with this exclusive right. But there is the objection: If the Government is going to maintain these sanctuaries, special rights should not be granted to any individual.

Under this bill the Secretary of Agriculture can do the very same thing. He can purchase a large tract of land, we will say, at a very small figure and give the hunting privilege to the person from whom he purchases the land, the exclusive hunting privilege for as many years as he sees fit, just the same as was done in this case. Here is a 10-year privilege, which excludes all other citizens from enjoying the trapping of those two very valuable fur-bearing animals. A tremendous profit is to be made out of those furs.

Here is a privilege purchased by an individual, purchased from the Government, on a public preserve, a sanctuary, denied to all other citizens for a period of 10 years. There is no relief from this situation. I do not believe the department had the power, but there is no way by which that question can be tested unless citizens will take a chance of being arrested and dragged into a Federal court to defend themselves in a criminal action—a thing which honorable citizens will not do. They will even sacrifice the rights to which they are entitled, rather than jeopardize their liberty or run the risk of loss of their reputations in a criminal action. Under this bill as proposed, privileges can be granted. The Senator from South Dakota can not say that they have not been granted with respect to other sanctuaries, for they have been. I have the admission of the United States Department of Agriculture. In a letter dated March 6, 1928, the department says:

In the agreement entered into with—

I will omit the man's name because there is no reason why he should be dragged into this debate. There is nothing dishonorable about his case.

dated November 26, 1926, covering 4,936.64 acres, he or his heirs or assigns were granted the right to take certain muskrats and minks—

This is to be in accordance with the State law for a 10-year period beginning November 1, 1926. The agreement of March 17, 1927, for 209.13 acres, contained a similar provision, making over 5,000 acres. These lands are all situated in Crawford County, Wis., and by arrangement were payable at \$7 per acre, the two agreements covering a total acreage of 5,145.77 acres.

For the reduction of \$2 per acre the privilege was granted by the bureau for a 10 years' exclusive right to trap the two precious and valuable fur-bearing animals. More than that, this exclusive privilege, as anyone who understands the nature of these fur-bearing animals will appreciate, extends far beyond the 5,000 acres. One man planted himself almost in the very center of this splendid sanctuary for wild life with the exclusive privilege to take that wild life. How must he take it? He has no right to come into the State of Wisconsin as a nonresident, but the understanding is with the Secretary of Agriculture that he may hire Wisconsin citizens to do the trapping. I think the situation demonstrates that when a bureau of the Government, possessing the broad and unlimited powers granted to them under the terms of this bill, has functioned in this way with respect to the only sanctuary specifically set aside by Congress, granting such a privilege to a single individual, we may expect that the same situation will result and the same acts will flow from the bill under consideration.

The Secretary of Agriculture is given absolute power and authority under the bill to make rules and regulations, the fines for the violation of which may be collected as a forfeiture. Under the terms of the bill those who are accused of violating the law or the regulations made by a single individual may be dragged hundreds of miles from their homes and taken before a Federal court and subjected to trial before a Federal court.

Not being satisfied with imposing a penalty by act of Congress, it is proposed by the bill to give the Secretary of Agriculture the right to inflict a penalty by and through a regulation or rule. Here we have the very apex of the doctrine of autocracy and centralized government, a doctrine sacred under the autocracy of Italy and Russia and proposed to be sanctified here in America—the right of an individual to make a rule or regulation which imposes a penalty.

When the game wardens believe that a rule has been violated, the innocent boy, never having known of the regulation, never having read it or heard of it, may be hauled three or four hundred miles from his home before a Federal judge or before a Federal grand jury, indicted, and thrown into jail.

Mr. President, we had the Boston Tea Party and Lexington because citizens of the colonies were taken to distant places, far beyond the confines of their home colony, to be tried. Yes; a game warden may seize any citizen who has not his hunting license with him, even for refusing to show a hunting license; and, of course, he could not show it if he did not have it. He could be dragged three or four hundred miles before a Federal judge or a Federal grand jury, indicted and cast into prison because he did not take out a hunting license and pay his dollar to make up a fund with which to buy public shooting grounds in the interest of millionaire huntsmen and clubmen.

The offense is a minor one. The penalty imposed under the terms of the bill is not a large one. The offense and the penalty is characteristic of a violation of a village ordinance and a trial before a village justice. And yet here it is proposed in the name of conservation to dignify such a thing by a congressional act, the enforcement of which will require a game warden to seize the man or boy and haul him three or four hundred miles to be indicted by a Federal jury, tried by a Federal judge, and punished because he did not have his hunting license with him. When we place this power in the hands of these petty officials we may make up our minds that they are going to exercise, as arbitrarily as their narrow-mindedness will permit, all the power that is given them.

They are not few in number either. I understood the Senator from South Dakota was going to limit the number of game wardens. He is beginning to appreciate the danger, but he is not going to limit them in number. He may limit the number at this session of Congress, but he will find that the law will be violated and the demand will be made that there shall be more game wardens. Congress will say, "We have entered upon this project and we must furnish more game wardens. There is more money coming in and, anyway, it does not come out of the public Treasury. It comes out of the pocketbooks of these boys and men. What is the difference? We will give them more game wardens, so that they will uphold the dignity of the United States." Even in the United States perhaps some one would suggest calling out the Army in order to maintain this kind of a law, as I understand they have suggested for the enforcement of some other police regulations.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. KING. I may observe that there is no limitation in the bill with respect to the utilization of the 40 per cent; that is to say, the 40 per cent is not the entire sum which may be obtained and made available for game wardens and the administration of the act. Such further portion of the 60 per cent derived from licenses as may "be deemed necessary" for the administration of the refuges which may be secured may be used. So it may be that only 30 or 40 per cent of the 100 per cent will be spent for refuges and the residue of 60 per cent spent in administration of the law, together with the 40 per cent which it proposes shall be used for game wardens and for administration purposes. Then, in addition, the appropriation bill for the Department of Agriculture carries tens of millions of dollars annually. I think it will carry something over \$140,000,000 for the next fiscal year.

Importunities will be made to Congress to increase the appropriations directly from the Treasury of the United States as they are made now for the Department of Agriculture and the Biological Survey, so that there will be not only the amount received from the sale of licenses as a fund upon which to draw, but Congress will probably add to the fund large sums which will go to the Biological Survey to be used for so-called administrative purposes. So the Senator can not, in my opinion, with any assurance, assume that the amount derived from the sale of licenses will be the only amount which will be used by the Biological Survey for the acquisition of refuges, the administration of refuges, and the payment of wardens.

Mr. BLAINE. Mr. President, of course, the suggestion to limit the number of game wardens is a mere bait. I am going to discuss the question of the available number of game ward-

ens under this bill. The bill proposes that every person who desires to hunt migratory game birds shall take out a Federal license. The cost of that license is to be \$1. The bill also provides that the Department of Agriculture may make regulations respecting the administration of the entire law. What would be the effect? We who have had any experience whatever with law enforcement, and those of us who have observed it without experience, quite clearly understand that there are certain measures taken in the enforcement of law that have no relationship whatever to the violation of some particular statute.

For instance, the Secretary of Agriculture may make a rule or a regulation and enforce it, providing that no one during the open season for migratory game birds shall carry a gun without a license at any place in any State, or at any place in the United States. What will be the result? Every citizen will find himself in a position where he can not hunt wild game birds and game animals within his State during the closed season for migratory game birds unless he shall have a Federal license. Such a rule, I think, will be essential for the enforcement of this proposed law; and the Secretary of Agriculture, no doubt conscientiously believing that he should go the full length in bringing about observance of the law, will make such regulations as that no one shall carry a gun during the closed season or that no one shall hunt any kind of game during the closed season unless he shall have a Federal license.

That is not drawing upon the imagination; that is what these departments do. They make rules which they claim are essential to the enforcement of a particular law under their jurisdiction though those rules may have nothing to do with an offense against the law itself. They are initiated for the purpose of making enforcement complete, effective, and efficient. Therefore, instead of 800,000 licenses being issued, as the Senator from South Dakota has suggested, there will be issued just as many Federal hunting licenses as there are citizens who desire to go hunting for any purpose at any time. There can be no other result. This proposed law can not be enforced effectively unless there shall be rules and regulations relating to hunting in the open season and in the closed season. Moreover, there are few citizens going to take the chance of hunting even for rabbits for fear a migratory game bird may come across their path, when the temptation would be to shoot the game bird, and such a person would need a Federal license.

Ah, the first year there would not be so many. A bureaucratic system of government proceeds step by step. It is not extremely exacting during the first year or so; it feels its way; its exactions are evolutionary; they grow as the years go on.

So a slight step is taken the first year or so, and a further step and a further step as the years go by, until the department has succeeded in obtaining exclusive administration within the field it has entered over the subject embraced within the legislation. So the Department of Agriculture, when it once has this power, step by step will feel its way carefully, cautiously, exacting neither too much nor too little, but just enough so that there will not be a public reaction, until it shall have taken the final step and occupied the entire field to the exclusion of all other jurisdictions. I predict that if this bill shall become a law five years will not have expired until there will not be a single citizen in America permitted to hunt at any time without a Federal license.

What will that mean? For the fiscal year closing July 1, 1926, there were issued by the States of this Union hunting licenses to the number of 5,150,000. That was two years ago. On the basis of the average increase the number that will have been issued by July 1, 1928, by the time this bill will go into operation, if it shall become a law, will be 5,600,000 licenses. At a dollar apiece that will mean a revenue of \$5,600,000, of which 40 per cent is dedicated by the bill to the employment of game wardens and their expenses. The average cost of a game warden—and I am giving this figure not by guess, I desire to inform the Senator from South Dakota, but from experience over a long period of time with this very subject—a game warden will cost about \$4,000 a year.

Mr. NORBECK. Mr. President, is that what a game warden costs in the State of Wisconsin?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I will not yield now, because I do not want that statement to stand disconnected.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield.

Mr. BLAINE. Just as soon as I finish the statement I will yield to the Senator. The average cost for the administration of game laws is on the basis of about \$4,000 a year per game warden. That includes the game warden's salary, his expenses,

and the expenses of administration of the central or administrative office. Therefore, when the time comes that every citizen in America must take out a Federal hunting license before he may hunt at any time there will be \$2,260,000 available for game wardens, which will finance a force of 565 game wardens, which is a fair-sized army for political purposes. Now I yield to the Senator from South Dakota.

Mr. NORBECK. Mr. President, I wish to call the Senator's attention to what I think is a misapprehension of the bill on his part. He is in error in speaking of 40 per cent of the revenue being used for game wardens. The bill provides that not over 40 per cent shall be so used. I suggest to the Senator that a game warden or two in each State will be very helpful in promoting the enforcement of the law.

I notice that Wisconsin is very liberal in regard to game wardens. No one can hunt in that State without paying for a license. I find that in Wisconsin there are 56 field wardens; and then they have something that I have never heard of in any other State, namely, six district wardens, and then they have a chief warden. The employment of such wardens of the different classes may be based on wisdom, but the expense comes out of the pocket of the taxpayer. I find no fault with the Wisconsin system, but if sixty-odd game wardens are all right for the one State of Wisconsin how would it do to provide for 60 Federal game wardens for the entire United States? If the Senator will agree to that we can amend the bill accordingly.

Mr. BLAINE. The Senator says there would be only 60 Federal game wardens?

Mr. NORBECK. I say I am willing to amend the bill so as to provide for 60 Federal game wardens.

Mr. BLAINE. But the Senator from South Dakota is not going to administer this proposed law. The Secretary of Agriculture is to do that.

Mr. NORBECK. But if we place such a limit in the bill, then it will be beyond the power of the Secretary to change it.

Mr. BLAINE. What is proposed to do with the remainder of the money which will be collected?

Mr. NORBECK. That can be used for bird refuges.

Mr. BLAINE. Sixty game wardens for the entire United States would have about as much effect in enforcing this proposed law as the proverbial snowball would have in quenching the fires of hades.

Mr. NORBECK. The Senator has complained that the employment of Federal game wardens would have too much effect and now he complains that the employment of 60 would have too little effect. It can not work both ways.

Mr. BLAINE. I do not want to see enacted a law that will not be enforced. That is the trouble to-day. The trouble in America to-day is that we have by law created sins and crimes and there is no enforcement of the laws which create those sins and crimes. I do not want to be a party to the enactment of a piece of legislation designed purposely and deliberately on the floor of this body so that it will not be enforced effectively. We have too much of that already.

Every single dollar of the 40 per cent will be used for game wardens and administration.

But no part of such 60 per cent shall be used for payment of the salary, compensation, or expenses of any United States game warden, and not more than 40 per cent thereof for enforcing this act, the migratory bird act—

And so forth; and you can make up your minds that when a department has a certain amount of money to spend, it will spend it. I do not see very much money being returned to the Treasury from any unexpended balances around Washington. They do not have unexpended balances. They spend every dollar.

Mr. NORBECK. They do not have much unexpended balances in Wisconsin, either.

Mr. BLAINE. Of course not—not recently.

Mr. NORBECK. Three hundred and fifty-six thousand dollars in their game department for one year—a third of a million dollars in one year!

Mr. BLAINE. Unexpended?

Mr. NORBECK. No; that is spent, I guess.

Mr. BLAINE. Oh, no.

Mr. NORBECK. All right. The Senator will correct me if I am wrong. The expenditures of the Wisconsin game department are about a third of a million dollars annually.

Mr. BLAINE. Permit me to suggest to the Senator from South Dakota that I ought to know more about Wisconsin than he does. Let me read the Senator the facts.

Mr. NORBECK. All right.

Mr. BLAINE. The total number of hunting licenses in 1926 was 179,504, in 1907 it was 161,774, and these were dollar licenses largely. That is my understanding.

Mr. NORBECK. Yes.

Mr. BLAINE. What is the Senator talking about, then, when he says "a third of a million dollars"?

Mr. NORBECK. All right. Let me call the attention of the Senator to the fact that the collections from nonresident fishing licenses were \$161,873.76 in Wisconsin last year.

Mr. BLAINE. Oh, yes; probably.

Mr. NORBECK. They have another tax which they call the trap-tag tax under which \$17,000 was collected.

They have another one called the deer-tag tax under which some \$900 is collected.

They have a traveling license of \$18,000.

They have a nonresident hunting license of \$9,900.

If you add up those figures, you have your \$356,000 in Wisconsin.

Mr. BLAINE. We do not spend all of that on game wardens. We spend a large portion of that on constructive work, fish hatcheries, maintaining our State parks, and so forth.

Mr. NORBECK. That is the plan of this bill, too—exactly the same.

Mr. BLAINE. I do not know what you are going to do with fish hatcheries in propagating migratory birds, unless you hatch the fish to feed the birds. I think we are much safer when we keep within our own balliwicks on what the facts are.

Here is a splendid political organization to be created. I repeat that within five years every single individual in America who desires to hunt will find himself paying a dollar a year to the Federal Government. Everybody knows that. That is the tendency. It always has been the case, and always will be. It is a beautiful system that will furnish 550 game wardens. Well, suppose it furnishes only 500. Suppose it is only 400. Suppose we get it away down where only half of the people will take out hunting licenses from the Federal Government. You have 275 Federal game wardens.

We have a primary election on in Wisconsin the first Tuesday in April. There is another one on in Nebraska a week afterwards. There is another one on in New York, another one in Indiana, another one in Ohio. Migratory birds, of course, are migratory, and so are Federal game wardens; and they become very efficient in campaigns, I have understood. Even the one in Wisconsin to whom the Senator refers has not failed to do his duty as the Department of Agriculture assumed his duty to be; and your Federal prohibition enforcement officers are always on hand when there is a primary or an election.

Add to the present perambulating Federal officers this army of perambulators looking after migratory birds, and there would be no difficulty in throwing an army of two or three hundred game wardens into Wisconsin—if we had this legislation—this week, right up to the time the polls are closed a week from to-morrow. There would be no trouble whatever in marching those game wardens over into Nebraska the next week and back into Ohio and Indiana. They would be the most effective and efficient political machine that could be created. Why, the excuse for sending them would be splendid. There are times, as seasons shift around, when birds are migrating, and so you will have the Federal game wardens following them up so that they will not be killed.

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

Mr. BLAINE. I yield.

Mr. SWANSON. Do I understand that this bill provides for a flying squadron that can be sent anywhere, in time of political distress, to rally the faithful?

Mr. BLAINE. Why, of course. They do not exactly write that language into the bill.

Mr. SWANSON. I mean, it is possible? Of course, they would not write it in the bill. Nobody would swallow it if that were done; but can it be done?

Mr. BLAINE. That is exactly what will flow from this bill.

Mr. SWANSON. A flying squadron for political purposes?

Mr. BLAINE. A flying squadron after the flying birds. The excuse will be, "Why, March and April and May are just the months when the migratory birds must be protected," and the game wardens will be hot afoot for the protection of the migratory game birds. So, if the President wants a Mr. Hoover nominated there would be no trouble in throwing this army into the State of Ohio to defeat the Senator from Ohio [Mr. WILLIS], or in throwing them into the State of Indiana to defeat the Senator from Indiana [Mr. WATSON]. There would be no trouble at all in throwing them into Wisconsin in an attempt to get a delegation that could support the distinguished

British statesman who spent the major portion of his adult life under the British flag and British influence. There would be no difficulty at all in taking this army of Federal game wardens and nominating a President of the United States.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. BLAINE. I do.

Mr. HEFLIN. We can not hear on this side the whispered conversation between the two Senators. I was wondering if the Senator from Ohio [Mr. FESS] was making inquiry about Mr. Hoover.

Mr. BLAINE. The whispering between the two Senators was with reference to an agreement to go into executive session. I did not get the comment of the Senator.

Mr. HEFLIN. I was wondering if the Senator from Ohio got it in his mind well that the Senator from Wisconsin was speaking of his friend Hoover.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. BLAINE. An election comes on, and the preelection campaign is on, and you have this army of game wardens. That is in the fall, when migratory birds take their flight southward—a most suitable time for the flight of the game wardens. This same perambulating, migrating army of Federal employees can march down into Missouri, if it is a doubtful State, and use their influence there. They ought to be down there, because it is the time when migratory birds are passing southward. Of course, there would be justification for them to go to Missouri, a doubtful State. Kentucky and Tennessee are fruitful fields for these perambulating, migrating game wardens to be thrust into those two States at the very time that an election is in the balance between the two major parties.

Mr. SWANSON. Mr. President, will the Senator yield to me for a minute?

Mr. BLAINE. I yield.

Mr. SWANSON. I have not read the provisions of this bill; but do I understand that the committee has reported a bill here that allows these game wardens to go from one State to another?

Mr. BLAINE. Why, what good is a game warden unless he follows the migratory game birds?

Mr. SWANSON. Does the Senator mean to tell me that the bill permits game wardens anywhere to come into a State and enforce this law?

Mr. BLAINE. Why, certainly. The game warden must protect the migratory game birds, must he not? That is the purpose.

Mr. NORBECK. Mr. President, I will state to the Senator from Virginia that under a law passed when Woodrow Wilson was President that is what they may do.

Mr. SWANSON. You continue that?

Mr. NORBECK. We do not repeal it.

Mr. SWANSON. You do not repeal it?

Mr. NORBECK. No.

Mr. SWANSON. Where Wilson was right you do not follow him, but where he made a mistake you follow him. I do not think that is right. I do not know whether I voted for the other bill or not.

Mr. NORBECK. I want to say to the Senator in all seriousness that I have an amendment pending that will prohibit the very thing the Senator from Wisconsin is complaining about, and I so stated in this Chamber about an hour ago.

Mr. BLAINE. Mr. President, the matter to which the Senator from South Dakota refers is the civil service law. Does he think for one moment that the civil service law, under which most of the postmasters are appointed, prevents them from engaging in political activity? If he does, then he is not of the caliber that I have assumed him to be. Does he think that the prohibition-enforcement officers of this Nation are not engaged in political activities during primaries and election campaigns? They may not in South Dakota, but they have been so engaged in Wisconsin. I have seen them in veritable hordes, and they are under civil service; and, of course, they are directed in such special cases to protect those who vote right and to punish those who vote wrong.

Mr. NORBECK. I thought I had had some political experience, but I have never known the value of a game warden in politics. The Senator from Wisconsin is quite enlightening to me. He has been governor of his State for six years, and I presume he understands what he is talking about—this army of sixty-odd game wardens traveling over Wisconsin in a

political campaign. It had never occurred to me that they were a political asset. Maybe they were.

Mr. BLAINE. Does the Senator from South Dakota charge the Senator from Wisconsin with using a single game warden or State official in a political campaign in his behalf?

Mr. NORBECK. I charge the Senator—

Mr. BLAINE. Now, wait: Does the Senator charge that?

Mr. NORBECK. Will the Senator wait while I answer?

Mr. BLAINE. I want to know whether the Senator charges it?

Mr. NORBECK. I will answer the question if the Senator will give me a chance to answer it.

Mr. BLAINE. The Senator can answer "yes" or "no."

Mr. NORBECK. The Senator can not come any lawyer tricks on me. I am not on the witness stand. I will answer the Senator, however.

Mr. BLAINE. The Senator has made a personal insinuation and I challenge him now to answer.

Mr. NORBECK. Yes; if the Senator will let me answer, I shall be glad to answer. I charge the Senator with having more knowledge of game wardens in politics than any other man I ever met. That is what I charge him with; and I ask him whether that is the way they did in Wisconsin. They do not in South Dakota.

Mr. BLAINE. Does the Senator from South Dakota charge that the Senator from Wisconsin has used game wardens for political purposes?

Mr. NORBECK. The Senator from Wisconsin charges himself, if anybody charges him. Nobody else has charged him with it.

Mr. BLAINE. Then what is the purpose of the Senator's remarks?

Mr. NORBECK. He is always talking about game wardens in politics, and that is something I have never heard about from any other State.

Mr. BLEASE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLEASE. Just a word.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. BLAINE. I yield to the Senator.

Mr. BLEASE. I want to say to the Senator from South Dakota that in the State of South Carolina, where we have only one party, the game wardens are not only very active but they are very influential in factional politics.

Mr. BLAINE. Mr. President, I want to say to the Senator from South Dakota that there is not a single Federal employee under civil service in the State of Wisconsin who does not engage in political campaigns—not a single Federal employee.

Mr. NORBECK. I do not know anything about that; but I know that in South Dakota they observe the law.

Mr. BLAINE. But, Mr. President, I repeat and say to the Senator from South Dakota that when he interjected his insinuating remarks concerning my experience with game wardens I was talking about Federal employees; and I challenge him to deny the truth of my statements.

Not only do they engage in political campaigns, but they are used to browbeat and beat down citizens because they choose to vote differently from the power which directs those public and Federal officials. Do we want an army of cheap game wardens migrating to any State in the Union during primaries and election campaigns, which they will have the privilege of doing?

I know that sometimes these Federal employees are not effective. I have seen in their trail a good many "lame ducks." They are not successful in my State but they may be. I want to take no chance that this army of game wardens which is proposed to be created by this bill may control our primaries and our elections.

The Senator may limit the number to 20 or 40 or 60, but he will find that at the succeeding sessions of Congress there will be demand for more game wardens on the claim that the law is not being effectively and efficiently enforced. Therefore, demand will come for more and more game wardens until we will reach the time when this army of Federal employees will be migrating from State to State and from section to section of our country in the interest of certain candidates for office or to defeat certain candidates for office, depending entirely upon the administration and control of the Government at Washington.

PRESIDENT WILSON AND THE VOLSTEAD ACT

Mr. SHEPPARD. Mr. President, the action of President Woodrow Wilson in vetoing a measure which contained both

the war-time prohibition act and the Volstead Act is being cited by the opponents of prohibition.

The unqualified statement that Woodrow Wilson vetoed the Volstead Act is misleading. The act which he vetoed contained not only the Volstead Act but the war-time prohibition act. Practically all of his brief veto message was devoted to the war-time prohibition act and not the Volstead Act. He could not under the Federal Constitution separate the two in order to veto one and consequently was compelled to veto both in order to reach one. A perusal of the veto message will show that the veto was directed toward the war-time prohibition part of the act and not toward the Volstead Act; that he objected to the former because he believed at time of his veto, October 27, 1919, the war emergency had passed. It is interesting to observe that in the concluding sentence he referred to prohibition as a great reform. The veto message is as follows:

I am returning without my signature H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."

The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy and whose repeal I have already sought at the hands of Congress. Where the purpose of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.

It would not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country. In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought be accomplished or great reforms of this character be made satisfactory and permanent.

WOODROW WILSON.

THE WHITE HOUSE, October 27, 1919.

I ask that there be printed at this point in the RECORD a clipping from the Chicago Herald and Examiner of March 12, 1928.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMAN "WET" SEES UNITED STATES AND BECOMES DRY—DOCTOR BERG, TOURING WORLD, TURNS AGAINST RUM; SAYS AMERICA WILL PRODUCE SUPERIOR RACE

A short stay in the United States converted Dr. Walter Berg, of Stuttgart, German scholar and financier, from a wet into a dry. He is traveling around the world and came to Chicago.

Doctor Berg is a student of political science and an associate of Count Hermann Keyserling in the School of Wisdom at Darmstadt. He controls large banking interests in Germany.

"I was opposed to prohibition before I came to the United States," Doctor Berg said at the Bismarck Hotel, "but after two months of observation I completely changed my views.

"Prohibition will enable America to produce a superior race. In the nonprohibition countries alcohol is taking more and more victims. Drunken men are seen everywhere. Here it is comparatively rare.

"Upon returning to Germany I shall advocate laws similar to the Volstead Act."

PUBLIC UTILITIES OF THE CITY OF NEW YORK

Mr. WAGNER. Mr. President, I present a petition from the governing body of the city of New York petitioning Congress to amend the income tax law so far as it relates to their public utilities. I ask unanimous consent that the petition be referred to the Committee on Finance and printed in the RECORD, including a letter to me transmitting the petition.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter and the petition were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BOARD OF TRANSPORTATION OF THE CITY OF NEW YORK,
New York, March 20, 1928.

HON. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The board of estimate and apportionment of the city voted yesterday in committee of the whole to petition Congress to amend the Federal income tax law, and I am writing you in advance of the secretary of the board of estimate so that the subject will come to your attention immediately. I understand that the Senate Finance Committee will report this bill very soon.

The Finance Committee of the Senate has under consideration certain amendments to the Federal income tax law in the form of a bill passed by the House of Representatives, H. R. 1, entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes." The attention of this board has been directed to certain decisions of the Treasury Department interpreting and construing the meaning of section 116 of the existing revenue law in a manner which imposes a tax upon the revenues of the city-owned railroads, which interpretation appears to be contrary to the intent of section 116 but which may be upheld by the courts on account of the phrasing of the act as it now stands. It appears to the board of transportation that section 116 should be amended to make it clear that the revenues derived from the city-owned railroad should be exempt from income tax.

The Federal income tax law, in section 116 thereof, provides that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for acquisition, construction, operation, or maintenance of a public utility and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision a proportional part of any income tax collected from such public utility contractor to the extent that "if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of the political subdivision."

There is clearly a limitation in this act as to contracts entered into prior to September 8, 1916, which would preclude any contract or other arrangement which may be made by the city for the operation of the new subways. It is also a matter of doubt and dispute whether the city is now entitled to a rebate of income tax levied upon earnings of the existing subways, because these earnings have not yet been sufficient to permit of any division of profits between the operator and the city, although the imposition of these taxes increases the expenses of the operating company, which are chargeable against the revenues before the city is entitled to share in them and acts to increase the deficits which become accumulative under the existing contracts. All taxes are included in the deductions allowed to the companies as expenses of operation. The elimination of such taxes would, therefore, reduce the deficits from operation and to that extent would be distinctly in the interests of the city.

This board is informed that Boston, Philadelphia, Detroit, Cleveland, and perhaps other cities have an interest similar to that of New York in the amendment of section 116 of the Federal tax law and will co-operate in endeavoring to secure an amendment.

Therefore the board of estimate and apportionment has adopted resolutions petitioning Congress to amend the act so that there may be no doubt that the revenues from railroad operation in which the city is officially interested shall be made exempt from income tax.

Yours very truly,

JOHN H. DELANEY.

Whereas the city of New York, as the owner of an extensive system of rapid transit railroads and subways, entered into contracts dated March 19, 1913, with operating companies for the maintenance and operation of those railroads on behalf of the city, by the terms of which contracts there inures to the benefit of the city certain rights, profits, and interests under the conditions set out in those contracts wherein, among other things, it is provided that the net profits resulting from operation shall be equally divided between the city and the lessee corporations, previous to which, however, there shall be deducted from revenues derived from such operation "all taxes or other governmental charges of every description * * * assessed or which may hereafter be assessed against the lessee in connection with or incident to the operation of the railroad" before the city shall receive any rental or compensation for the rights leased or granted, or receive any payment or amortization on the public debt which represents the cost of constructing said railroads, or any division of net profits from operation of said railroads as aforesaid, and that these prior deductions are cumulative in their priority to the city's participation in profits or its realization of other rights, benefits, or interests under the contracts aforesaid; and

Whereas the realization by the city of such rights, profits, and interests are minimized, decreased, and postponed and a loss or burden thereby imposed upon the city to the extent that deductions are made by the operating companies, on account of increased operating costs due

to the imposition of Federal income taxes, before the profits, rights, benefits, or interests of the city can be realized on the property owned by it, and that to such extent the taxes so imposed and paid by the operating companies are in last analysis paid by the city out of the taxes levied by it upon its citizens; and

Whereas the city of New York is now engaged in the construction of additional rapid transit railroads at an estimated cost of \$700,000,000, and contemplates the acquisition of other lines or connecting railroads as necessary to the efficient operation of its transit system, the cost of all of which is to be paid out of public funds; and

Whereas upon the acquisition or construction of such railroads as a necessary part of the city's transit system it will become necessary or advisable for the city to enter into contracts for the maintenance and operation of them, and that the methods of operation of such new railroads must be decided upon in the near future before such contracts are executed; and

Whereas the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," provides, in subdivision (d) of section 116 thereof, that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for the acquisition, construction, operation, or maintenance of a public utility, and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision, a proportional part of any income tax collected from such public utility contractor to the extent that "if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of" the city; and

Whereas by and under the construction and interpretation placed upon the corresponding similar subdivisions of the revenue acts of prior years by the governmental agencies, the city of New York is deprived and will be deprived of the benefits of a rebate of income taxes charged against the revenues derived from the operation of the railroads which are owned by the city contrary to the true intent and spirit of the revenue laws; and

Whereas the city of New York will be deprived of any and all benefit which, under any construction of the proposed revenue law it would be entitled to, arising under any contract entered into by it subsequent to September 8, 1916, the object of which contract is the acquisition, construction, operation, or maintenance of a public utility; and

Whereas it has been proposed that subdivision (d) of section 116 of the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," be amended so as to make more specific and certain that under such contractual relation having for its purpose the acquisition, construction, operation, or maintenance of a public utility, the amount of any Federal income tax paid by the lessee, grantee, or person operating a public utility under such contract or contracts, or certificates similar to the contracts of March 19, 1913, aforesaid, shall, to the same extent as the amount, but for the imposition of such taxes, would have accrued directly to or for the use of or inure to the benefit of or increase the right, title, interest, or equity in such public utility of such municipality, be refunded to the city or shall not be levied, all of which is more particularly set forth in said proposed amendment as follows:

"Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, enters in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

"(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia; and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of, such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the commissioner, with the approval of the Secretary), an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year;

"(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespec-

tive of the tax imposed by this title, accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title;

"(3) If by the terms of such contract the acquisition, construction, operation, or maintenance of such public utility is for or on behalf of a State, Territory, political subdivision, or the District of Columbia, or the effect of such contract is to enable the State, Territory, political subdivision, or the District of Columbia, to acquire a right, title, interest, or equity in such public utility, no tax shall be levied under the provisions of this title upon the income derived from the acquisition, construction, operation, or maintenance of such public utility, so far as the payment thereof will impose a loss or burden upon, or decrease or postpone such right, title, interest, or equity of such State, Territory, political subdivision, or the District of Columbia"; and

Whereas this board is advised and is of the opinion that the foregoing proposed amendment will be beneficial to the interests of the city of New York under the said contracts of March 19, 1913, and under contracts which may be entered into by it subsequent thereto for the acquisition, construction, operation, or maintenance of such public utilities, and under any plan of consolidation or unification as is now being considered by the transit commission, pursuant to the provisions of the public service commission law:

Resolved, That the board of estimate and apportionment does hereby approve of the proposed amendment aforesaid, and that it does hereby urge upon the Congress the passage of such amendment; further

Resolved, That the secretary of this board be, and is hereby, authorized and directed to transmit to each of the United States Senators for the State of New York and to each Member of the House of Representatives from the State of New York a certified copy of this resolution.

BOULDER DAM

Mr. PITTMAN. Mr. President, I ask leave to have printed in the RECORD a letter I have written to the chairman of the Committee on Irrigation and Reclamation of the House of Representatives.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, March 23, 1928.

BOULDER DAM

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: I have just been informed that your committee, or a subcommittee of your committee, are considering amendments to be proposed by your committee on the floor of the House to H. R. 5773, commonly known as the Boulder Dam bill.

I am also informed that you have adopted the Senate committee amendment found on page 6, between lines 4 and 13, to S. 728, being the Boulder Dam bill in the Senate, providing for State revenues, with certain suggested modifications. This is one of the amendments proposed by me in the Senate committee. If I understand the addition that you made to the amendment, it meets with my approval.

I am also informed that on Monday you will take up for consideration the Senate committee amendments found on page 9, lines 12 to 19, inclusive, offered to S. 728, giving preference to States to contract for electrical energy for use in the State. This amendment was also offered by me in the Senate committee on behalf of Nevada and Arizona particularly, although it equally applies to the State of California. It met with no particular opposition in the Senate committee.

Permit me to briefly state the reasons that urged the Senate committee to adopt this amendment. Senator JOHNSON in his bill (S. 728) provided that in the event of conflicting applications for electrical energy the preferences should be decided in accordance with the preferences set forth in the Federal power act. In that act "States and municipalities" shall have a preference over other applicants for contracts or licenses. It was undoubtedly the intention of Congress in making such provision in the Federal power act to place the State prior to the municipality. The reason Congress granted the preference to States and municipalities in such act was because States and municipalities represent a greater number of citizens and have a greater responsibility than a private corporation. It follows from such reasoning that a State, representing a greater number of citizens than a municipality or other subdivision of a State, has a greater responsibility and therefore should have preference in the matter of a conflict in applications between a State and a municipality or subdivision of a State. In the bill under consideration it is a matter of great importance that the preference of the State over a subdivision of a State or a municipality within a State be definitely declared.

The whole theory of the seven-State compact, upon which the bill under consideration is based, was an equitable division of the benefits of the waters of the Colorado River between the seven States. The benefits of water are derived from its use for potable purposes, irrigation, and generation of power.

Nevada is so unfortunately situated that it is impossible for it to get equal benefit of the use of water for any purpose other than power. Nevada, of course, is entitled to equal development with Arizona and California through the use of power. California has a large municipality—Los Angeles—which is capable of contracting for all of the power generated at Boulder Dam. Nevada has no such municipality.

Nevada is the only agency in Nevada that has the credit to contract for power for the use of its citizens within the State. If it is discretionary with the Secretary of the Interior to treat States and municipalities or subdivisions of States as having equal preferences, then he could give preference for all of the power to the city of Los Angeles to the exclusion of the applications by the States of Arizona, California, and Nevada, or either of them. As I say, the amendment under consideration is only a declaration of policy evidently intended by Congress to be established in the Federal power act, but it is indefinite.

If the State of Nevada is assured by the terms of the act upon its approval that it has a preference to contract for electrical energy for use in the State, then it can stimulate its citizens or those engaged in industry in the State to make investigations, even at very large expense, between the date of the approval of the act and the time when contracts will be called for, so that the State may determine the amount of power that can be used in the State when the power is ready for delivery upon completion of the dam.

Under the terms of the act it is evident that there will be a period of 12 to 18 months between the approval of the act and the time when contracts will be called for. It is during this period that such investigations must be made. Unless the act contains the assurance that the State will have such preference, then it will be difficult to induce industries to make the necessary extensive and expensive investigations necessary to determine the amount of hydroelectric energy that may be used in the State and that must be contracted for by the State at the time the contracts are called for.

For instance, there are large deposits of low-grade zinc ores in southern Nevada. If these deposits are sufficiently large and if the values are sufficiently great, and cheap hydroelectric power is assured, then the power will be contracted for. It will probably require an expenditure of several hundred thousand dollars to determine these facts before a contract is entered into for power. Of course, these expenditures will not be made unless there is an assurance in the act that there is a preference to the State to contract for power that is required for use in the State. Mind you, we limit the preference of a State over a municipality to contract for use of power in the State exclusively.

I have only cited you one instance. There are many other conditions that must be investigated at great expense to determine the amount of power that Nevada will contract for, and the same certainty must exist before this large expense can be undertaken.

Nevada is anxious for the development of the lower Colorado River and favors the purpose of the act, but the State of Nevada believes that, in so far as is possible, Congress should equitably divide the benefits of the water allocated to the lower basin between the States of Arizona, California, and Nevada. If this spirit of fairness is manifested, then those who favor the legislation should be enabled to obtain consideration for it at this session of Congress and pass it.

Permit me to congratulate you and your committee upon what I deem to be the wise course of eliminating from conference on the House and Senate bills as many questions as possible.

Nevada is entirely neutral as between Arizona and California and is still working to bring about a compromise on the division of water. I believe I am at liberty to state that such compromise is very nearly effected.

I trust that the deep interest that Nevada has in this matter will excuse me for taking the liberty of writing this letter to you as chairman of your committee.

Sincerely,

KEY PITTMAN.

CONDITIONS IN NICARAGUA

Mr. McKELLAR. Mr. President, I desire to give notice that as soon as I can get the floor to-morrow I shall make a few remarks on the subject of Nicaragua.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, March 27, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 26 (legislative day of March 24), 1928

UNITED STATES COAST GUARD

Isaac E. Johannessen to be chief boatswain.

COAST AND GEODETIC SURVEY

To be aides

Laurence Wilbur Swanson.

Gilbert Rolland Fish.

Franklin Rice Gossett.

Ernest Bane Lewey.

John Clarence Mathisson.

Rolland Alson Philleo.

Harold Joseph Oliver.

George Anton Fredrickson.

George Edward Morris, jr.

PROMOTIONS IN THE ARMY

GENERAL OFFICERS

Briant Harris Wells to be major general.

Peter Edward Traub to be brigadier general.

APPOINTMENT, BY TRANSFER, IN THE ARMY

Mark Histan Doty to be first lieutenant, Field Artillery.

Edward Himmelwright Tarbutton to be lieutenant colonel, Infantry.

APPOINTMENT, BY PROMOTION, IN THE ARMY

Edwin Simpson Hartshorn to be colonel.

William Bryden to be lieutenant colonel.

Donald Cowan McDonald to be lieutenant colonel.

Walter Eyster Buchly to be major.

Harold Chittenden Mandell to be major.

Robb Steere MacKie to be captain.

Boniface Campbell to be captain.

Lloyd Marlowe Hanna to be captain.

James Willard Walters to be captain.

Eugene Ware Ridings to be first lieutenant.

Charles Woodford Cowles to be first lieutenant.

Kenneth Eugene Webber to be first lieutenant.

Alexander Davidson Reid to be first lieutenant.

Joseph Richard Koch to be chaplain, with rank of first lieutenant.

PROMOTIONS IN THE MARINE CORPS

Robert Y. Rhea to be colonel.

Joseph A. Rossell to be lieutenant colonel.

Alphonse DeCarre to be major.

John C. Wemple to be captain.

Curtis W. LeGette to be captain.

Joseph H. Fellows to be captain.

James G. Hopper to be first lieutenant.

William R. Hughes to be first lieutenant.

Lawrence R. Kline to be first lieutenant.

John G. Walraven to be first lieutenant.

William W. Paca to be first lieutenant.

Frank O. Lundt to be chief marine gunner.

Henry Boschen to be chief marine gunner.

Robert C. Allen to be chief marine gunner.

POSTMASTERS

CALIFORNIA

Frances L. Musgrove, Arbutle.

Wilford J. Scilacci, Point Reyes Station.

KANSAS

Ethel White, Merriam.

James M. Lear, Mound Valley.

MISSISSIPPI

Susan R. T. Perry, Tchula.

MISSOURI

John A. Varney, Paris.

NORTH CAROLINA

Joseph B. Harrell, Marshville.

James E. Wallace, Stanley.

OKLAHOMA

Ira A. Sessions, Grandfield.

Thomas H. Gillentine, Hollis.

William H. Jones, Kiefer.

James W. McKay, Stonewall.

Margaret E. Williamson, Wanette.

Bernice Pitman, Wankomis.

VERMONT

Sanford A. Daniels, Brattleboro.

Robert A. Slater, South Royalton.

VIRGINIA

Ludema Sayre, Fairfax.

HOUSE OF REPRESENTATIVES

MONDAY, March 26, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed, blessed Lord—the Father of us all—in Thee we have a refuge in every time of need. When temptation is nigh and human courage is at the test, Thou art near; when problems perplex and the way is uncertain, Thou dost help us to understand; when the clouds are lowering and earth's pathway is hard and forbidding, Thou art at our side to revive the fainting heart; even when the sky is radiant and there is no cloud to cast a shadow, Thou dost counsel wisdom. O we praise Thee that Thou dost come into the hearts of men, like a happy sunlight, and bid them rejoice and be glad. Whisper words to us to-day that shall teach us lessons of priceless worth. Give us the understanding heart that shall rebuke all wrong and that shall exalt the right. Bless our country, all the States and all our firesides from border to border. May peace, happiness, and prosperity bless every room in our national mansion. As sons of God may we arise in gratitude for all the blessings of life and may we know that there is nothing so royal as truth and there is nothing so kingly as love. Amen.

The Journal of the proceedings of Saturday, March 24, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida;

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida;

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion;

S. 3558. An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; and

S. 3611. An act to authorize the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes."

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida; to the Committee on Interstate and Foreign Commerce.